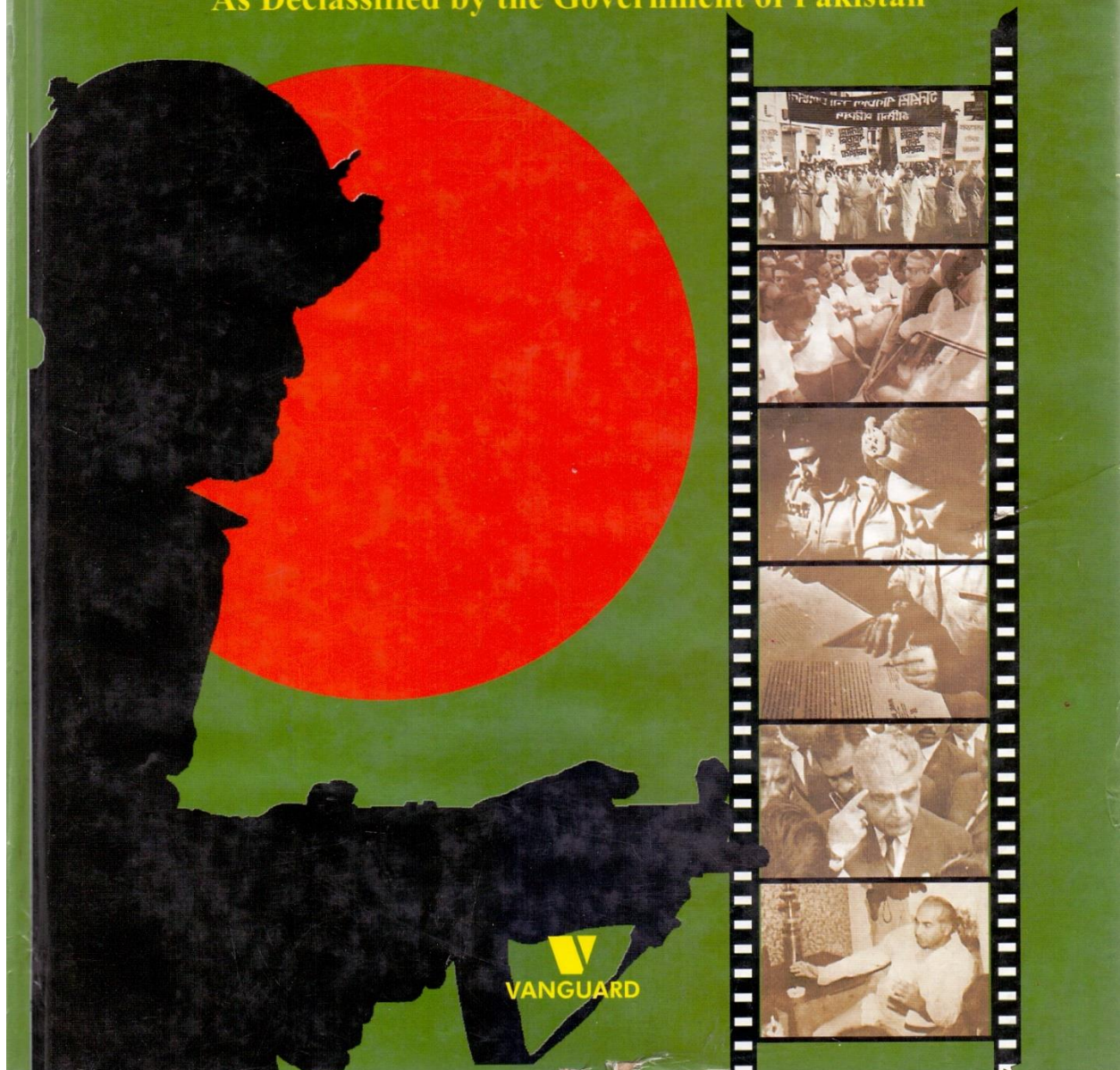


The Report of the
HAMOODUR REHMAN
COMMISSION
of Inquiry into the 1971 War
As Declassified by the Government of Pakistan



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HAMOODUR REHMAN COMMISSION
Of Inquiry into the 1971 War**

[As Declassified by the Government of Pakistan]



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PART-I INTRODUCTION

1

INTRODUCTION

1. The Government of Pakistan by its ministry of presidential affairs notification No. SRO (1)71, dated the 26th December, 1971, appointed the present Commission of Inquiry and charged it with the duty of inquiring into the circumstances in which the commander, Eastern command, surrendered and the members of the armed forces of Pakistan under his command laid down their arms and a ceasefire was ordered along the borders of West Pakistan and India and along the ceasefire line in the State of Jammu and Kashmir.
2. The composition of the commission, which was set up under the Pakistan commissions of Inquiry Act, 1956, was as follows: -
 1. Mr Justice Hamoodur Rehman, H.Pk., Chief Justice, Supreme Court of Pakistan, President.
 2. Mr Justice Anwarul Haq, Chief Justice, Lahore High Court, Member
 3. Mr Justice Tufailali Abdur Rahman, Chief Justice, High Court of Sindh and Balochistan, Member. Subsequently, on the commission's recommendation, Lt-Gen (retd) Altaf Qadir was appointed as military adviser, and Mr M.A. Latif, T.K., assistant registrar, Supreme Court of Pakistan as secretary to the commission.
3. The aforesaid notification of the ministry of presidential affairs which is Annexure 'A' to this chapter *inter alia* contained the following further directives: -
 1. "The commission shall follow its own procedure and its proceedings shall be held in camera.
 2. The commission shall, in the performance of its functions, be assisted by a representative of each of the three defence services and it shall be the duty of every person in the service of Pakistan to render such assistance to the commission in the performance of its functions as may be required of him.
 3. The commission shall start inquiry at a place and on a date to be fixed by it and shall complete the inquiry and submit its report to the president of Pakistan, with its findings, within a period of three months commencing the date of the commission start functioning."
4. The commission informally assembled at Lahore on December 31, 1971, to consider its terms of reference and other matters. The procedure to be followed and the guidelines on which the commission was to proceed were laid down. The administrative and financial arrangements to be made were also discussed and a detailed reference was accordingly sent to the administrative ministry to make available the necessary equipment, staff and finances before the commission could start functioning. It was also decided that the

PART-I INTRODUCTION

place of inquiry should be Rawalpindi where the commission could conveniently have access to the relevant records of GHQ and other ministries.

5. As this was a commission of inquiry the proceedings of which had to be conducted in camera, and there were no adversaries as such before it, the question arose as to how it should begin. It was decided to first invite the views of the public. A press release was accordingly issued on Jan 1, 1972, requesting the members of the public and of the armed forces to furnish by Jan 10, 1972, such relevant information as may be within their knowledge relating to the subject matter of inquiry.

6. In addition the commission also issued letters and questionnaires to several persons who were at the helm of affairs at the relevant time for eliciting their views in a more definite form. Lists of documents and information, required by the commission, were supplied to the secretaries of various ministries of the central government. All this was required to be furnished by the end of January 1972. The response was reasonably encouraging and soon a large number of communications started coming to the commission.

7. On Jan 20, 1972, the commission also addressed separate letters to the heads of seventeen political parties in the country requesting them to send summaries of their views, appreciations and assessments of the matters under inquiry. It was enquired from them whether they would be willing to give evidence personally or send their representatives before the commission. The response was by and large satisfactory, although a few political leaders at first informed the commission that since the scope of inquiry was, by its terms of reference, confined to military aspects only and the proceedings were to be held in camera they regretted their inability to assist the commission. It was, however, pointed out to them that the commission did not interpret its terms of inference as being so confined as to altogether exclude the other aspects, which had a bearing on the subject matter of the inquiry. This ultimately persuaded them to agree to assist the commission on the political aspects of the matter and as many as 23 political leaders were good enough to make available to the commission the benefit of their valuable views.

8. In the meantime, it came to the knowledge of the commission that a large number of serving officers of the defence services, who were anxious to give evidence before the commission, were being deterred by the apprehension that they might be victimized for doing so. The commission, therefore, approached the president of Pakistan, with a request to give a public assurance that no one, who appeared before the commission, would be victimized on that account. An official announcement was published in the newspapers of Jan 11, 1972, to the effect that the proceedings before the commission would be in camera, that the statements made before and addressed to it would be absolutely privileged and would not render a person making any such statement liable to any civil criminal proceedings except when such statement was false.

9. The GHQ also, at the suggestion of the commission, issued a circular letter informing all army personnel that they could send written statements to or appear before the commission on a purely voluntary basis. The commission found this circular letter inadequate and asked the defence services chiefs to issue fresh letters clearly embodying an assurance that the serving personnel should have no feeling whatsoever of any victimization on account of their giving evidence, or imparting information to the commission regarding its terms of reference. An assurance in these terms was duly issued by the services chiefs and the serving personnel started sending information more freely. Later during the course of examination of the witnesses or afterwards, no complaint was received that any serving personnel had in any way been victimized except for one solitary instance of alleged victimization of a naval officer, which is being inquired into by the naval authorities. The commission took great pains to see that no harm was done to any person who in any way assisted it.

10. On Jan 15, 1972, the commission accompanied by the military adviser, visited Kasur (Husseiniwala) sector and held discussions at the corps and division headquarters and met some Jawans in the front in their positions to get a picture of the manner in which operations are conducted during a war. It would have liked to visit other sectors as well but the time at its disposal unfortunately did not permit it to do so.

11. By their letter of Jan 12, 1972, the ministry of presidential affairs informed the commission about the arrangements which had been made for its sitting at Rawalpindi. Office accommodation and equipment were provided in the National Defence College, where staff and transport facilities were also available. The finance ministry was, however, still considering the budget proposals but some funds were expected to be released in the near future.

12. Names of the following officers, who were to act as the representatives of each of the three services to assist the commission, were intimated on Jan 12, 1972. They were:-(i) Air Commodore Zafar Mahmud, PAF; (ii) Col Sabir Hussain Qureshi, army; (iii) Capt A. Waliulla, navy.

The commission, in anticipation of the completion of the other formalities, decided to move to Rawalpindi on Jan 17, 1972 and set up its office organization there in order to avoid any further delay.

13. The first meeting of the commission was accordingly held at Rawalpindi on Jan 17, 1972. By this date more than 350 communications had been received from persons belonging to every walk of life. These were scrutinized for making an initial selection of the witnesses to be called. People, whose statements were based purely on rumours or newspaper reports, were not called but the information which required to be investigated were referred to the ministry. Certain studies were also undertaken and informal discussions were held with the defence secretary and the then acting commander-in-chief of the army mainly with regard to procedural matters.

14. Before the start of the commission's deliberations, the president of the commission addressed a press conference, at the request of the Press, in which he again gave an emphatic assurance that all witnesses who would give evidence before the commission would be immune from the Official Secrets Act, and they would not be victimized or exposed to harassment.

Many questions were put to him by the newsmen and some of the points which he covered in his answers were as follows: -

- (i) The commission was empowered to call before it any citizen of Pakistan, including former president and chief of staff to seek information. The commission could, if necessary, even issue warrants to secure the attendance of any person unless he was otherwise exempted by law from personally appearing before the court.
- (ii) Some officers who had escaped from East Pakistan were available to give evidence with regard to the circumstances prevailing at the time of the surrender in East Pakistan. In case their evidence is not satisfactory, the commission may have to approach the government to extend the time limit till the repatriation of the prisoners of war from India.
- (iii) It was in the national interest to hold the proceedings in camera because almost all the information which was likely to come before the commission would be of a highly sensitive nature and it would not be possible to make such information public or allow it to be published or broadcast when the armies of India and Pakistan were still facing each other on the western border. But the commission would issue from time to time handouts about its activities in brief to keep the people informed.
- (iv) The commission would, if necessary, utilize the services of technical experts from each of the three services to assist the commission in making technical assessments and objective appreciations but they would not be allowed to influence the decisions of the commission in any way.

15. Before the commission adjourned for Eid holidays on the Jan 25, 1972, it had completed the scrutiny of the material that had already reached, selected persons who were to be summoned for appearance before it and taken the opportunity of recording the evidence of one important VIP witness who was then available at Rawalpindi on Jan 24, 1972.

It had also visited the GHQ on two successive days to acquaint itself with the working of its various departments. It also visited the air operations centre. The three services' representatives also briefed the commission with maps, statements and charts. Some documentary films of events in East Pakistan were also shown to the commission.

16. The commission re-assembled at Rawalpindi on the Jan 31 and continuously worked since then except for short intervals, when the president or any other member had to attend to any of his other responsibilities. The proceedings of the commission had to be adjourned from March 17 to 26, because it became necessary for the president of the commission to sit in the Supreme Court bench at Lahore for the hearing of an important case. The members had also to attend to certain urgent duties of their respective offices.

The work of the commission was itself of such magnitude that it required undivided attention, but the president and the members have had to carry in addition the load of the administrative duties of their own respective offices. However, in its endeavour to keep pace with the programme set for the finalization of the work and to cover the entire field of inquiry submitted for its consideration, the commission worked beyond the prescribed working hours and even on Sundays and holidays, but even so the work could not be completed within 90 days. In the early part of April, the attorney-general informed the commission that he proposed to lead some evidence on behalf of the government. Moreover some important witnesses had yet to be examined. Therefore, the president of Pakistan was requested to extend the period up to May 31, 1972. The request was granted. The president of the commission had to go to the United States in the first week of May, 1972 to attend a session of the United Nations committee on crime prevention and control, of which he is an elected member. During his absence abroad from the May 5 to 21, the finalization of the report had to be held up for him and when he resumed on May 22, 1972 the work of completion of the report, it was found impossible to make it ready by May 31. The president was, therefore, requested to further extend the period for submission of the report till June 15, 1972. The president, however, extended the period up to July 15, a month longer than the commission had requested.

17. The commission started recording of evidence from Feb 1, 1972 and finished it as late as April 26, 1972. The total sittings of the commission for examination of witnesses were 57. In all it examined 213 persons, whose category-wise detail is given below: -

(1) Army:	
(i) Serving personnel	61
(ii) Retired personnel	27
(2) Air Force:	
(i) Serving personnel	39
(ii) Retired personnel	6
(3) Navy:	
(i) Serving personnel	14
(ii) Retired personnel	7
(4) Political leaders:	23
(5) Civil servants:	
(i) Serving	17
(ii) Retired	6
(6) Journalists	3
(7) Members of public	10

18. The record of the evidence of these witnesses runs into a little more than 4000 typed-pages and of the 374 documents marked as exhibits into about 4000 typed-pages. In addition the commission had to examine a large number of other documents of various government departments which were either obtained by it or submitted for its consideration.

The commission obtained quite a large number of reports through various government agencies on various aspects of the subject matter of the inquiry. Some studies were also directed to be undertaken for the commission's information.

The commission also directed police investigation of certain matters which came to its knowledge during the course of examination of witnesses. Suggestions from the public continued to come till the closing stages of the commission's work and the number of such communications crossed the figure of a thousand. The commission examined and cross-examined almost all the witnesses by itself.

19. On Jan 21, 1972 the commission addressed a letter to the minister for presidential affairs to inquire whether the government would like to be represented before the commission in any manner, and whether the government would like to put forward any particular point of view or produce any witness in this behalf. The minister informed the commission that Mr Yahya Bakhtiar, the attorney-general of Pakistan would represent the government and would assist the commission by inter alia, producing documents and necessary witnesses, and Mr Rafi Raza, special assistant to the president would assist the commission by filing a statement embodying the facts within his knowledge as also the present president's views before assuming charge of his office on Dec 20, 1971. The attorney-general and Mr Rafi Raza also held discussions with the commission on some occasions.

Mr Rafi Raza later formally appeared before the commission as a witness to place the official viewpoint of the Pakistan People's Party. The attorney-general was present during the examination of a few witnesses and briefly cross-examined them but he did not lead any independent evidence on behalf of the government.

20. After having examined a number of officers of the army, the air force and the navy who had returned from East Pakistan either shortly before or after the surrender, the commission felt that it was necessary and also fair to the officers of the eastern command that evidence of some officers who were holding key posts and who were prisoners of war in India should also be recorded. An inquiry was, therefore, made from the government on March 15, 1972, whether it would be possible to make the necessary arrangements through the International Red Cross for the commission to obtain evidence of eleven named officers, including Lt-Gen A.A.K. Niazi, Maj-Gen Rao Farman Ali, Rear Admiral M. Sharif and Air Commodore Inamul Haq. Two Lt-Cols and two commanders of navy, who are prisoners of war in India, sent written messages to the commission requesting that the commission's deliberations should not be concluded till the POWs' were repatriated and their evidence recorded. A Lt-Col who was GSO-I, 9 Div, intimated in his message that he had a "great deal to reveal which will assist the court in arriving at judicious judgment and to apportion blame". He requested that recording of his evidence should be arranged at some border post. These messages were duly forwarded to the government and the reply received from the minister for presidential affairs was that the government had carefully considered the matter, but it was not possible to arrange the examination of the prisoners of war through the International Red Cross.

These two letters are appended as Annexures 'B' and 'C' to this chapter of the report.

21. The commission received full cooperation from the government and all its requirements were met promptly and efficiently by the ministry of presidential affairs and other ministries and departments. The commission also received all the assistance that it needed from the National Defence College in whose premises the commission held its sittings.

22. The commission is grateful to all those who helped it in completing its very arduous assignment. Particular mention has, however, to be made of Lt-Gen (retd) Altaf Qadir, the military adviser, and the three services representatives who all throughout worked with a missionary zeal. They rendered valuable

assistance not only in appreciating the military aspects of the inquiry but also in collecting information and preparing staff studies.

Our thanks are also due to Air Marshal (retd) Nur Khan and Vice Admiral (retd) H.M.S. Chaudhary who rendered expert advice on air force and naval matters.

23. The commission also records its appreciation of the assistance it received from all its office staff, headed by the secretary, Mr M.A. Latif. The stenographers and typists made available to the commission by the National Defence College all worked untiringly throughout. We commend their devotion to duty.

Just a day after Lt-Gen Amir Abdullah Khan Niazi had boastfully announced that the enemy would enter Dacca over his dead body, this nation was stupefied at the news broadcast through the foreign news media of the abject and ignominious surrender accepted by him on Dec 16, 1971, at a ceremony held at Dacca Race Course by laying down his own arms and of those under his command, variously estimated between 73 to 93,000 men and officers. The same evening the then commander-in-chief of the Pakistan Army and self-appointed President of Pakistan in a message broadcast to the nation attempted to characterize this as the loss of only a battle in a particular theatre and announced his firm intention of continuing the war on the western front.

But again the nation received a greater shock when on the next day he took a complete somersault and acknowledged defeat by accepting the unilateral ceasefire offered by the prime minister of India at a stage when, according to official newspaper reports, the armed forces on the western front had been advancing every where into the enemy territory and had suffered no major reverses. The nation was completely at a loss to understand as to what had happened to bring about such a shameful surrender and inexplicably hasty acceptance of the ceasefire burst out in spontaneous wrath and charged the then regime of being guilty of some insidious conspiracy to dishonour and destroy the nation. They demanded an open trial and punishment of those found to be guilty. The agitation attained such proportions that Mr Zulfikar Ali Bhutto, the then deputy prime minister-designate, was hastily summoned back from New York where he had gone to lead the Pakistan delegation before the Security Council of the United Nations and General Agha Mohammad Yahya Khan transferred powers to him on Dec 20, 1971.

2. It was in these circumstances that this commission came to be appointed by the new president soon after assumption of office and by the terms of reference specified in the notification of Dec 26, 1971, the talks that has been entrusted to it is to enquire into and find out "the circumstances in which the commander, eastern command, surrendered and the members of the armed forces of Pakistan under his command laid down their arms and a ceasefire was ordered along the borders of West Pakistan and India and along the ceasefire line in the State of Jammu and Kashmir".

3. The members of the commission are all members of the judiciary who are totally unfamiliar with military tactics or military strategy or the arts of war, but we can only presume that the purpose of appointing such a high-powered presidential commission with such wide terms of reference was to bring out the truth in all its aspects without regard to the personalities involved, so that the public should have a clear picture of the causes which led to these disastrous consequences, and know as to whether there is any basis for the charges made by the press and the public. If so, who are the persons involved and what action, if any, should be taken against them. If the disaster, on the other hand, was not due to any one of the reasons given above, then what were the defects and deficiencies, if any, which contributed towards it?

4. Some particularly, from the armed services side, have doubted the wisdom of appointing such a judicial commission to inquire into such a highly technical matter but it may be pertinent to point out that such inquiries are not unusual after a shocking military failure. In India the utility of a commission headed by a

military officer, Maj-Gen Henderson Brooks, appointed to inquire into the debacle of the India-China war of 1962, was seriously questioned and most writers on the subject have since suggested that a more high-powered presidential commission would have produced better results.

5. The commission is fully conscious of its own limitations, the magnitude of the task entrusted to it and the enormity of the responsibility with which it has been charged. It has, therefore, endeavoured first of all to familiarize itself, as far as practicable, within the short time at its disposal, as to the methodology and the mechanics of warfare, the principles of its higher direction, the process of its planning and the methods of its execution with the able assistance of Lt-Gen (ret'd) Altaf Qadir, whose services were placed at its disposal as military adviser, the representatives of the three services attached with the commission and various senior officers of the GHQ who have all taken great pains to brief the commission on the defence technology and its modus operandi.

6. We do not claim to have achieved any kind of perfection in any of these fields but the first lesson that we have learnt is that in order to find out the causes of the failure of any war we must first know as to why the war at all took place. Modern wars, we are told, are not fought in isolation. They are no longer merely questions of matching weapons or generalship. Military tactics, it is said, is directly linked up with political and diplomatic strategy. There are also psychological, sociological, economical and geographical factors to be taken into account.

7. To fight a war, it is said, we must have a national political objective, a war aim, a coordinated planning, a machinery for a proper direction of war, and above all the wholehearted support of the nation in the war effort. Any maladjustment among any one of these factors is likely to lead to disastrous consequences. In order, therefore, to arrive at a proper appreciation of the causes which led to the disaster with which the nation is faced today we have necessarily to enter upon an examination of these various factors.

8. The scheme we propose to adopt, therefore, in this report is to divide it firstly into four volumes. The first volume will contain the main report, the second the staff studies, the third the written statements and other exhibits and the fourth the oral evidence.

The main report itself will consist of five parts. The first part will contain only two chapters of an introductory and general nature. In the second part we propose to examine briefly the political background in which Pakistan came into being, and then take a brief account of the political history of Pakistan with particular reference to the circumstances which led to dissatisfaction in East Pakistan and ultimately to the claim for complete autonomy for that part. This latter part we propose to further divide into four specific periods, namely: -

- i) the first constitutional period - the period from August, 1947 to October 7, 1958;
- ii) the first martial law period from October 7, 1958 to June 6, 1962;
- iii) the second constitutional period - from June 7, 1962 to March 24, 1969; and
- iv) the second martial law period: -
 - a) up to March 25, 1971 and
 - b) from March 25, 1971 to December 20, 1971.

This part will be divided into seven chapters of which the last will be devoted to analyzing the intentions of the last martial law regime. In this chapter we also propose to examine the question as to whether there was any conspiracy of any kind at all. If so, what was the nature of the conspiracy and who were involved in it?

9. This last chapter will further deal with the developments in East Pakistan and the conduct of the military action there. In the next part we will deal in 12 chapters with the conduct of the country's international relations and we will devote our attention to India's open invasion of East Pakistan.

10. In this part we shall also include a survey of the international impact created by the military action in East Pakistan and its repercussions on our own diplomatic relations with foreign states.

11. Thereafter, we shall take up for consideration the military aspects of the war, its purpose, concept, planning and execution. This will be followed by a discussion of each of the battles in the main sectors in East Pakistan, Azad Kashmir and West Pakistan. We shall deal then with the air and naval operations in separate chapters, and then we shall discuss the circumstances of the surrender in East Pakistan, the acceptance of the unilateral offer of cease-fire in West Pakistan and in Azad Kashmir.

12. We propose also to discuss separately the question of higher direction of war and the planning for war, as this is a subject with respect to which we have come to the conclusion that we were woefully unconcerned. Some have even suggested that our strategy was so vague, our tactical objectives so obscure and our decisions so hesitant and faulty that the ignominy of the disaster lay more in disorganized activity and absence of coordinated effort rather than the lack of men and material during the closing phases of the war.

13. Some allegations have also been made before us not only against the moral character and integrity of several top military leaders but also against officers, generally, and, in particular, against officers involved in martial law duties during the second martial law regime. The fifth part will, therefore, be devoted to deal with this aspect of the matter as well.

14. In a separate chapter we shall also deal with certain other matters which have come to our notice with regard to personal lapses of individual officers, deficiencies in training, equipment and deployment of forces, arbitrary exercise of disciplinary powers and the methods of recruitment and promotion which appear to have adversely affected the efficiency and morale of the lower ranks.

15. We shall conclude the fifth part of our report with a chapter, summarizing our conclusions and giving our recommendations.

16. We have endeavoured to confine our report, as far as possible, within the scope of the terms of our reference but so many grave deficiencies in our defence setup have come to light during the course of the investigation that we cannot possibly shut our eyes to them, for, we feel that one of the objects of a high-powered commission of this nature is also to make us aware of our deficiencies, so that we may profit from our mistakes and take heed for the future. We do not, therefore, feel any need for tendering any apology for the length of our report.

17. Appendices have been added to the report wherever necessary but a copy of the evidence and documentary exhibits, which run into thousands of pages, have been bound in separate volumes. Some documents of a secret or sensitive nature have not been included in these volumes. These are, however, available in the folders containing original evidence and exhibits which will be handed over in a sealed box to the ministry of presidential affairs.

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17. Appendices have been added to the report wherever necessary but a copy of the evidence and documentary exhibits, which run into thousands of pages, have been bound in separate volumes. Some documents of a secret or sensitive nature have not been included in these volumes. These are, however, available in the folders containing original evidence and exhibits which will be handed over in a sealed box to the ministry of presidential affairs.

2

INTRODUCTION

PART-II POLITICAL BACKGROUND

2

INTRODUCTION

A British author Russell Brines has opined in his book on the Indo-Pakistan conflict that “partition of the British Indian empire into separate Hindu and Muslim nations in 1947 was a last minute concession to rampant history”. This is, no doubt to some extent correct, but what the learned author has most conveniently omitted to mention is the part played by the British themselves in making the history of this subcontinent so “rampant” during the last 150 years or so. Muslims had ruled over this region for over a thousand years and in spite of the calumny levelled against them of having spread Islam through the sword millions and millions of Hindus, Buddhists, Sikhs and other religious communities continued to live, thrive and prosper under their just and benevolent rule in India. The Moghal period in particular was a period of supreme tolerance. The great emperor, Akbar, even went to the extent of including Hindus in his cabinet, called the *Darbar-i-Nauratan*. He appointed a Hindu as the commander-in-chief of his army and even married a Hindu princess to forge an alliance with the majority community under his rule. He, in spite of the opposition of the orthodox section of the Muslim community, even attempted to propagate the concept of a universal religion, described as *Deen-i-Illahi*, in order to bring about religious cohesion. He organized the police, revenue and judicial administration of the country. The success of his schemes enabled all communities amongst his subjects to live in peace and harmony and his good government brought such phenomenal prosperity to the country that his fame travelled far and wide even beyond the seas. It was during his reign that ambassadors from European countries were first accredited to his Court.

2. His good policies were continued by his illustrious son, the emperor Jahangir, famed for his adherence to justice and equal treatment of all his subjects. He was succeeded by Shah Jehan, a man of peace and culture. He utilized the period of peace and prosperity abounding in the kingdom to develop the arts and the belle-letters. It was he who built the dream in marble called the Taj Mahal at Agra since acclaimed as one of the wonders of the world. After him came his son Aurangzeb, a devout Muslim of almost ascetic habits. He shunned pomp and splendour and insisted that his own austerity should be reflected in his administration. He launched upon a process of reforms to make the laws more certain and to eradicate graft, sycophancy and corruption. It was in his reign that the monumental code of Muslim law called the *Fatawa Alamgiri* was compiled but he in keeping with the general Moghal policy of tolerance, left the personal laws of the Hindus and other communities untouched. His strictness in the enforcement of his laws, nevertheless, annoyed some and the Marhattas in the south tried to rebel under the leadership of Shivaji. The emperor himself, in spite of his advancing age, went down to suppress this rebellion. The task was soon accomplished but, unfortunately, death overtook him while he was still in the south in the year 1707 AD.

3. After his death disputes arose amongst his sons with regard to the succession to the throne and this gave the opportunity to the European communities, which had by this time already established considerable trade

relations with the country, to intrigue with some of the Nawab Nazims of the Subahs and Hindu potentates who had themselves personal ambitions of their own.

The French, the Portuguese and the British each took sides with one or the other of these potentates and brought their own European rivalries for power into this sub-continent. Napoleon even thought at this stage of discovering a shorter route to India by connecting the Nile with the Red Sea in order to come to the aid of the ruler of Mysore in his efforts for ousting the British. His scheme was then found to be unfeasible, but curiously enough it later led to the construction of Suez Canal by another French-man.

4. The British diplomacy had, however, succeeded, in the meantime in India. The East India Company had acquired a foothold towards the latter part of the seventeenth century in Calcutta, Madras and Bombay. In Calcutta then consisting of three adjoining villages of Kalikata, Sutannati and Govindapur the East India Company acquired the *Zamindari* rights from Prince Azimush Shan, a grandson of emperor Aurangzeb who was then the Subahdar of Bengal. This *Zamindari* was gradually extended by fresh acquisitions and in 1757 the Nawab Nazim of Bengal's Army, sent out to curb the foreign traders, was itself defeated at the battle of Plassey. This gave the British control of the 24 Parganas in Bengal. Later with the further decadence of the Mughal Empire Lord Clive in 1765 contrived to procure the Diwani of Bengal, Bihar and Orissa (the eastern Subahs) from Emperor Shah Alam for a paltry sum of 26 lakhs. Armed with the Diwani the British began gradually asserting their authority over the other potentates who had since taken advantage of the weakness of the Emperor and declared themselves to be sovereign power with their own subahs. Some of these were Hindus who had through the help of other European powers also rebelled against the emperor. These were subdued as a result of successful military operations giving the British control over most of the emperor's domain.

5. It was in this state of affairs that an attempt was made by the Muslims assisted by some loyal Hindu elements to restore the authority of the emperor in 1857. This was our first battle for independence which the British called a 'mutiny'. Unfortunately it failed. Bahadur Shah the last emperor was deposed and kept in captivity in Burma where he ultimately died. The British from this day onward assumed the governance of the country and claimed themselves to be the rulers of India by conquest.

6. Since the British believed that the outbreak was a Muslim plot to restore the Mughal dynasty, they were singled out for discriminatory treatment in such a ruthless manner that they swiftly fell from their position of proud overlordship to an impoverished and humiliated minority. The British in keeping with their policy of 'divide and rule' advanced the Hindus. They re-organized the land tenure system and farmed out *Zamindaris* seized from the Muslims, amongst the Hindus, who gradually became the landed aristocracy, controlled as the under-agents of the British 80% of the trade and commerce, took to English education and supplied 90% of the staff needed for manning the government offices and predominated in the professional classes. Thus they came to acquire supremacy after the British, in all classes of society.

7. With this new-found supremacy their attitude towards the poorer Muslims radically changed. The Muslims came to be hated not only as untouchables who could not be classified in any one of the castes or sub-castes of Hinduism but also as one time foreign conquerors who had ruled over their country for a thousand years.

8. It was but natural that as a reaction to this situation the Mussalmans should have attempted to regroup themselves on a common platform to preserve their own identity as a separate community. At first the revivalist movements led by Shah Waliullah and Syed Ahmed Brelvi tended to take up a strictly fundamental stand, so far so that they even refused to accept the learning of the infidel. Gradually, however, under the guidance of Sir Syed Ahmad Khan, the founder of the Aligarh University, Syed Amir Ali and Nawab Abdul Latif in Bengal, a less rigid stand was adopted. By this time in accordance with the Queen's Proclamation of 1858 the British had also started their process of political education of the Indians to equip them for participation in the governance of the country. The Indian National Congress had been established in 1885 with a British civilian as its first chairman. The Indians were being initiated into the game of politics but the wily Hindus soon outclassed even their teachers at this game and the Congress was captured by dogmatic

Hindus. Dream of Hindu domination and Hindu Raj was already building up in their minds. Clashes between the two communities started becoming more and more frequent often upon trifling excuses although the main cause always was the incipient politico-religious conflict.

9. The scheme for the partition of the Bengal, introduced by Lord Curzon in 1905 for purely administrative reasons, sparked off an unusually venomous Hindu protest merely because the newly-created province of Eastern Bengal and Assam would have become a Muslim majority province: (Incidentally this province was to consist of what was East Pakistan and the Indian province of Assam). The Congress turned it into a nationwide issue and Hindu nationalism burst forth in its full nakedness. The British had to yield and the partition was annulled.

10. The Muslims reacted by forming the Muslim League in 1906 at Dacca. In 1909, under Hindu pressure, came the Morley-Minto Reforms which granted Indians limited representation in the Provincial Legislative Councils but also, as a counter-measure, conceded the Muslim demands of "reserved seats" and "separate electorates". This the Hindus unanimously regarded as a great blow to their dream of Hindu dominance all over India. The resentment was so great that the Hindus threatened to boycott the legislatures. Feelings grew more and more bitter. Attitudes began to harden and it is interesting to note that even Mr Jawahar Lal Nehru, the first Prime Minister of India, in his report to the All-India Congress Committee as late as July, 1951 characterized this as the "shadow of Pakistan".

11. Notwithstanding this Hindu animosity, the Muslims continued to extend the hand of cooperation for a number of years to the Hindu Congress, first through the Khilafat movement and then by entering, under the influence of the Quaid-i-Azam, into the Lucknow Pact in 1916 with the Congress. This pact conceded "separate electorates" to the Muslims and even gave them weightage in the assemblies beyond their proportion in the population.

But again the Muslims were grievously betrayed in 1928 when Pundit Moti Lal Nehru, the father of Pundit Jawahar Lal Nehru, in the draft constitution prepared at the request of the All Parties Conference recommended the total elimination of separate electoral rolls and all other mechanisms on which the Muslims depended for maintaining a political foothold. The Muslims again, led by the Quaid-i-Azam, opposed this at the All Parties Conference session held at Calcutta in December 1928 but were defeated by the Hindus. The Quaid left the meeting in disgust and is reported to have declared then: "This is the parting of the ways". In answer to this report the Muslim League meeting in 1929 under the Quaid drew up a fourteen-point demand as its minimum terms for cooperation with the Congress in the fight for "Independence". It is not without significance that the League went even beyond the Congress and demanded complete, "Independence" while the Congress was still thinking of Dominion Status.

12. Disillusioned as the Muslims were by the uncompromising attitude of the Congress they still proffered the hand of friendship and entered into another pact with the Congress to jointly contest, in the United provinces, the elections then being held under the Government of India Act of 1935 on the understanding. That in the event of success they would be joined in forming a coalition government. The result was a thumping victory for the Congress but intoxicated by its victories it again resorted to treachery and in spite of the solemn pledge to form a coalition with the Muslim League backed out of it on the ground that Muslims could be taken into the government only if they joined the Congress party.

13. The double treachery made the Muslims bitter and forced upon them the realization that the Hindus were determined to crush them politically. This realization was further confirmed when in eight out of the eleven provinces of India and particularly in Bihar, where Congress governments had been formed, the persecution of Muslims had commenced. They were forced to learn Hindi and give up their language and culture. They were even obstructed in the performance of their religious ceremonies.

Congress Raj for the Mussalmans became a worse bogey than the British Raj and in the two years beginning from October 1937 there were 85 serious communal riots throughout India.

14. These were not just imaginary grievances or mere political propaganda. In December, 1938 at the Patna session of the League the Quaid himself after listening to these complaints declared that "The hope of communal peace had been wrecked on the rocks of Congress fascism" and appointed a committee of the League's Council to inquire into these grievances. The report of the committee submitted in March 1939 and known as the Pirpur Report found that Urdu was being suppressed in favour of Hindi, the Muslims were being forced to fly the Congress flag, in all village schools the "Vidhya-Mandir" scheme of education had been made compulsory and the singing of the Congress national anthem — "Bande Mataram" was insisted upon.

There was a similar report compiled by another inquiry committee regarding the grievances of the Muslims of Bihar (Shareef Report) and the late Mr A.K.Fazlul Huq in December 1939 bitterly complained of the sufferings of the Muslims under Congress Rule in the Bengal Legislative Assembly. It is not without significance that even H.V.Hodson in his book called the Great Divide has had to concede, however begrudgingly it might be, that "there is no doubt that the conduct of provincial self-government from 1937 to 1939 was a major cause of the spread of the two nation theory and the Pakistan movement".

15. This foretaste of Congress Raj left no room for doubt in the minds of the Muslims that separation was the only solution and it was in this background that the working committee of the All-India Muslim League sitting at Delhi in February 1940 decided to propose a resolution to that effect in the next open session of the League to be held at Lahore in March 1940.

16. The resolution was moved on the 23rd March 1940 by Mr Fazlul Huq, the then chief minister of Bengal and was unanimously adopted on the 24th March, 1940 in the following terms: -

"Resolved that it is the considered view of this Session of the All-India Muslim League that no constitutional plan would be workable in this country or acceptable to the Muslims unless it is designed on the following basic principles, viz; that geographically contiguous units are demarcated into regions which should be so constituted, with such territorial readjustments as may be necessary, that the areas in which the Muslims are numerically in a majority as in the north-western and eastern zones of India should be grouped to constitute 'Independent States' in which the constituent units shall be autonomous and sovereign".

17. It will be observed that this resolution does not use the word "Pakistan" but merely speaks of "areas in which the Muslims are numerically in a majority" being grouped to constitute 'Independent States' but in April 1946 at convention of Muslim League legislators held in Delhi the above resolution was modified as follows: -

"That the zones comprising Bengal and Assam in the north-east and the Punjab, north-west frontier province, Sindh, Baluchistan in the north-west of India, namely, Pakistan zones where the Muslims are in a dominant majority, be constituted into a sovereign independent state and that an unequivocal undertaking be given to implement the establishment of Pakistan without delay".

18. The die was now cast and these were the only terms on which the Muslim League was prepared to cooperate in the struggle for independence. The non-acceptance of this demand would, it was further declared, "leave the Muslims no alternative but to resist" the imposition of any constitution for a united India "by all possible means for their survival and national existence".

19. The Muslim League legislators from Bengal fully supported this amendment and henceforward this became the basic principle of the League's stand — Pakistan as a single Muslim State and nothing less.

20. If any further justification for this stand was necessary that too was provided by the Hindus themselves in early 1942 when they launched upon a brutal campaign of mass scale slaughter of Muslims in Bihar over the question of cow sacrifice during Eidul Azha. Hundreds were killed; many women drowned themselves in wells to save their honour and thousands more abandoned their hearths and homes to take shelter in Bengal.

21. Fortunately further carnage of Muslims in other Congress-ruled provinces was averted by the decision of the Congress to start the "Quit India" movement in August 1942 just when Japan was knocking at the doors of India. The consequent arrest by the British of almost all the Congress leaders eliminated the Congress ministries in the provinces. The Quaid called for the observance of the day as a "Day of Deliverance" and urged upon the British to "Divide and Quit".

22. After the successful conclusion of the Second World War and the induction of a Labour government into power in Great Britain the policy of the rulers again changed. The Congress leaders were released from detention and efforts began to be made for a political settlement. Sir Stafford Cripps came to India with fresh proposals which envisaged the possibility of the establishment of two or more independent unions in India. The Congress turned it down. This was followed by the Wavell Plan for the immediate formation of a provisional popular government. Elections were held in 1945 and the Muslim League won every Muslim seat in the Central Assembly but even so the Congress continued to persist in its claim that it represented both Hindus and Muslims. The deadlock continued.

23. The British sent out another Mission of Cabinet members to find a solution. It evolved a scheme for an immediate Interim government on the basis of parity between Hindus and Muslims and a long-term plan for a three-tier federation consisting of a weak centre with only 3 subjects, namely foreign affairs, defence and communications and three groups of provinces, namely, the states, the Hindu majority provinces and the Muslim majority provinces. This plan, in spite of its shortcomings, was accepted by the council of the Muslim League on June 6, 1946. The Congress a month later indicated acceptance of the long-term proposals as usual with certain reservations but rejected the proposals for the formation of an interim government. This evasiveness aroused suspicions which were soon to be confirmed by the subsequent interpretations of the scheme by the Congress leaders and the outright rejection of the plan by the chief minister of Assam, Mr Bardolai.

24. This was the last hope of finding a solution for keeping India united in a federation but Congress's arrogance would not countenance it. The British, nevertheless, proposed to set up an interim government at the centre. The Muslim League reacted by calling for "direct action to achieve Pakistan" by its resolution of the 29th July 1946.

25. The 14th of August 1946 was fixed as the date for the launching of this direct action. The plan for the observance of the "direct action day" was to hold meetings and processions to explain the League's resolution. They passed off with nothing more than commonplace disturbances at other places but at Calcutta, where a hartal was also called and the Leaguers were to collect beneath the Ochterloney Monument in Maidan for a mass rally protest, the Hindus decided to make the rally a failure.

Every procession that came from the outskirts of the city was attacked from housetops with brickbats, boiling water and even bulbs containing acid for which preparations had been made in advance. Processions even of school children were not spared. It was only when this information reached the predominantly Muslim localities that the Muslims came out in retaliation. Rioting continued unabated for four days. The police, mostly Hindus, were either ineffective or unreliable. The Muslims being in a minority (only 23%) in the city were the worst victims of the holocaust. The Hindus and the Sikhs, variously armed, swept furiously through the Muslims. No Muslim living in a Hindu locality was spared. Whole streets were strewn with corpses — men, women and children. The casualties ran into thousands (officially estimated at 20,000) and even thereafter stray cases of killing and sporadic rioting continued until the date of Partition.

A chain of reaction set in with serious repercussions throughout India in which many more thousands died of communal violence and revenge.

After these horrible killings there was no alternative left but to divide the country. Neither the British nor the Hindu wanted the partition but as one British author Russell Brines, says in his book on Indo-Pakistan Conflict "in the end partition was decided by the power of the mob in Calcutta". What, however, he again omits to say is that the mob was the Hindu mob.

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3

POLITICAL HISTORY OF PAKISTAN FROM AUGUST 1947 TO 7TH OCTOBER 1958

Such was the “rampant history” of the evolution of Pakistan, which was destined unfortunately to become more rampant with the passage of time. With the unending chain reaction set in by these sporadic but ever-increasing outbreaks of inter-communal hostilities, the realization gradually dawned upon the British that there was no hope of finding any solution. Tired out, as they were after the World War II, they decided to pack up and hand over the government of the country by some kind of interim device, leaving the Indians to settle their own differences.

Lord Wavell, the then Viceroy of India, set up a Constituent Assembly in October 1946 and made desperate efforts to form an interim government, but the latter attempt proved unsuccessful and a political breakdown seemed imminent. Lord Wavell foresaw that in the event of such a breakdown there would be civil war in the country leaving no alternative for the British but to withdraw and had secretly, with the approval of the British government, prepared plans for such a withdrawal by March 1948. (The Great Divide by H.V.Hodson).

2. On the 18th of December 1946, it was, however, decided by Westminster to replace Lord Wavell by Earl Mount Batten in the hope that, with his dynamic personality, he might be able to succeed where Wavell had failed. The latter too felt that he would be of no use unless the government decided to announce “a definite and specified date by which the British Raj would be terminated”. The Prime Minister was at first reluctant to specify any such date but at the insistence of the viceroy-designate, on the 20th of February 1947, he made the following announcement in the House of Commons: -

- i) “His Majesty’s Government wish to make it clear that it is their definite intention to take the necessary steps to effect the transference of power into responsible Indian hands by a date not later than June 1948.
 - ii) If it should appear that such a constitution (as proposed by the Cabinet Mission) will not have been worked out by a fully representative assembly before the time mentioned..... His Majesty’s government will have to consider to whom the powers of the central government in British India should be handed over, on the due date, whether as a whole to some form of central government for British India or in some areas to the existing provincial governments, or in such other way as many seem most reasonable and in the best interest of the Indian people.”
3. After his announcement Lord Mountbatten reached New Delhi on the 22nd of March 1947 and it must be said to his credit that he set about his task in full earnestness. His first endeavour, however, like that of his

predecessors, was to preserve the unity of India. It is not surprising, therefore, that most of his effort should have been directed towards persuading the Quaid to modify his stand, who as, the Viceroy realised from the very beginning, "held the key to the whole situation". But when he found that Quaid could not be wheedled or outmanoeuvred in discussion, he was exasperated and the personalities of the two often came to a clash. Attitudes hardened and the Viceroy felt that the Quaid was not being reasonable. On the other hand, the Viceroy found an affinity between himself and Pandit Jawahar Lal Nehru, which soon developed into a close personal relationship.

4. In adopting this attitude towards the Quaid, the Viceroy, however, was not fair. He forgot that there was no real clash between his views and those of Pandit Jawahar Lal Nehru, whereas all the concessions he was trying to obtain were from the Quaid. The Quaid could not afford to yield as the Congress had already given a bitter foretaste of its Raj and the Muslims could not consent to eternal subjugation under Hindu Raj. Partition was, therefore, inevitable. The question was how, and it is in this sphere that, Mountbatten ultimately had his revenge, for, he insisted that the arguments advanced for the partition of India applied with equal force to the partitioning of Bengal and Punjab. The Quaid pleaded with him not to give him a "moth-eaten Pakistan". But the Viceroy was adamant, although he knew fully well that the demand for partitioning Bengal and Punjab was all bluff on the part of the Congress. He thought that this would frighten the Quaid off his claim for Pakistan. Little did he realize that this would, if anything, harden the attitude of the Quaid, for, he was not the person to be deterred by such threats. Alas, the Viceroy, up to the last moment, remained unshaken and closed the discussions with the threat that if this was not acceptable to the League, power would be transferred to the Congress, for, the British had, in any event, decided to quit. Thus what the Muslims ultimately got was only a moth-eaten Pakistan, which was to be further corroded by the Radcliffe Award by which the two Muslim majority districts of Gurdaspur in the Punjab and Murshidabad in Bengal initially allotted to Pakistan were also taken away.

5. The plan for the partition of India on the basis of the acceptance of the two major parties was announced in the House of Commons on the 3rd of June 1947, but again the Viceroy displayed his animosity against the Quaid by accepting the Congress demand and advancing the date for the setting up of the two new Dominions from June 1948 as already declared in the announcement of the 20th of February 1947, to some date in 1947. The Congress itself would have been content even if it had been fixed for December 1947, but the choice of the date of the 15th August 1947, was made by the Viceroy on his own whim, without consultation with the Muslim League and without giving any serious consideration to the difficulties involved in the setting up of the new government of Pakistan almost from scratch within the short period of 72 days. No valid reason for this undue haste has been given either by Lord Mountbatten or any one else. But it may well be that at this stage he contemplated no difficulty as he thought that India and Pakistan would continue to retain him as the common governor-general to act as the supreme constitutional authority vested with all necessary powers of settling conflicts, which were inevitably likely to arise in working out the partition of the assets and liabilities of the government of India and setting up of the new Dominion of Pakistan. But when the Quaid-i-Azam refused to accept him as the governor-general of Pakistan and proposed that he should remain as the Viceroy or the Crown's Representative to act as an arbitrator over the Governors General of the two Dominions, Lord Mountbatten's pride was so wounded that he could not restrain himself from leaving the room abruptly after retorting: -

"It may well cost you the whole of your assets and the future of Pakistan". (Vide: H.V. Hodson's "The Great Divide" p.331)

6. As subsequent events have now proved, this threat was more than fulfilled. The new nation had not only to face administrative and financial difficulties due to the refusal of India to part with any portion of the

movable assets of the Government of India or to honour its commitment to place a sum of about 20 crores, which had been earlier agreed to as Pakistan's interim allocation from the existing cash balances, but it had also to face an even greater difficulty posed by the carnage let loose by Hindus in the Punjab and the Bengal to drive out the Muslims from the areas falling within the boundaries of India as a result of the partition of these two provinces. With resultant retaliatory actions against Hindus in the portions falling in Pakistan, millions of refugees started crossing the borders from both sides. Pleas of both the Quaid-i-Azam and Pandit Jawahar Lal Nehru for the imposition of Martial Law or at least the calling out of the military in aid of the civil authorities fell on deaf ears and the carnage went on unabated from the month of July onwards even under the nose of the Viceroy himself at Gurgaon and New Delhi. All British officers ranking from the Viceroy downwards to the Deputy Commissioners were averse to "getting involved" by taking any strong action on the plea that the forces at their disposal were not sufficient to cope with a situation of this magnitude. They put forward the excuse that these were not ordinary political or communal disturbances which could be tackled by the ordinary methods of maintaining law and order known to them, as the communities were determined to cause the maximum amount of damage to one another. The then Governor of Punjab tersely summed up his views as follows: -

"Nor can all the King's horses and all the King's men prevent though they may be able to punish conflict between communities inter-looked in villages over wide areas of the country." (Vide H.V.Hodson's "The Great Divide" p.342)

7. In desperation the Partition Council, set up to work out the partition on the 22nd of July 1947, formed a Punjab Boundary Force of some 55,000 officers and men under Maj-Gen T.W. Rees. Although this had some British officers on its staff, it included no British units, for, the British forces, which remained in India and Pakistan, were explicitly barred from the operation and were being steadily repatriated back to the Home country. The British, it seemed, could not care less about the disorder they were bequeathing once they had decided to quit. The boundary force was totally ineffective, as it was itself by reason of its own composition not free from communal passions. It was disbanded on the 15th of August 1947.
8. Even before the 15th of August, hundreds of thousands of people had been killed and hundreds of thousands more, who lost their hearths and homes, were on the move but even after that each day the stream of migrants continued to increase. Pakistan was attained at a terrible sacrifice. From its birth it was faced with this enormous responsibility of dealing with the painful problem of exchange of populations, which had been forced upon it by the infuriated Hindus not only in the Punjab but also in Bengal. Without money, without assets and without any organized system of government how it managed to weather the storm is indeed a miracle.
9. The Indian Independence Act received the Royal Assent on the 15th of July 1947 and on the 19th of July two provisional governments for the two Dominions were set up at New Delhi with the Quaid as the governor-general of Pakistan and Mountbatten of India. Nawabzada Liaquat Ali Khan became the first Prime Minister of Pakistan. The representation of East Pakistan in the provisional government was limited only to two persons who happened to be available at New Delhi at that time, namely, the late Mr. Fazlur Rahman and Jogesh Chandra Mondal, a member of the scheduled castes. This was so because even in the interim government formed earlier at Delhi one Muslim member from Bengal had been included. No one in Bengal, however, took exception to this, as the final shape of Pakistan was yet to be known after announcement of the Radcliffe Award.
10. A new Constituent Assembly was also formed for Pakistan. In this the Muslim members elected to the earlier Constituent Assembly from Sindh and North-West Frontier Province remained the same but in the case of Bengal and Punjab new members had to be elected to represent only the areas falling in Pakistan. Some representation had also to be arranged of Baluchistan, the tribal areas and the princely states acceding to

Pakistan. The spirit of Pakistan was so predominant at this stage that Nawabzada Liaquat Ali Khan, Dr Ishtiaq Hussain Qureshi and Maulana Shabir Ahmad Usmani, who had no constituencies in Pakistan, were gladly offered seats from East Pakistan and, with the fullest cooperation of the Muslims of that part, elected as members of the Constituent Assembly. "The spirit of Islam and unity", as stated by Maulana Ehteshamul Haq Thanvi (witness No.106), "was so strong amongst all sections of the Muslims, no matter to what part of the country they belonged" that the Bengalis gladly sacrificed their seats and cast their votes in favour of non-Bengalis.

11. This latter Assembly came into being on the 26th of July 1947. It was to serve a dual purpose, namely, to act both as the Constituent Assembly and also the Federal Legislature. The provisional government shifted to Karachi and the Constituent Assembly, consisting of 69 members, met for the first time in Karachi on the 10th of August 1947. It elected the Quaid-i-Azam as its president on the 11th of August 1947 and Maulvi Tamizuddin Khan as the Speaker of the Federal Legislature. There was no much work for either Assembly at that time, for, the enormous problems of setting up the new governments and rehabilitating the refugees coming from India were so pressing that little time could be found for other matters. While there were some buildings of the Sindh Government available at Karachi to form the nucleus of the administrative set up, the government of East Pakistan had not even this advantage. It lacked not only buildings but even furniture, paper and pencil. Although its refugee problem was not as great as that of the Provinces in the West, yet a large number of Beharis had also moved into East Pakistan and a large number of the middle class educated section of the Hindus had moved out of East Pakistan in addition to the Hindu government servants. These tremendous problems could not be met by the ordinary powers of the government. An emergency had, accordingly, to be declared and an Emergency Committee of the Cabinet had to be formed to deal with these pressing problems. Fortunately the nation had the advantage of the leadership of the Quaid and his redoubtable lieutenant Nawabzada Liaquat Ali Khan. The country was run mainly on the advice of these two with the wide powers given to the governor-general under the Indian Independence Act of 1947. Under their able guidance, gradually the governmental machinery was set into motion. Ministries were formed in the Provinces and some kind of order was just beginning to be introduced when the country was again faced by another problem by the perfidious accession to India by the Maharaja of Kashmir on the 27th of October 1947, in violation of the Standstill Agreement earlier entered into with Pakistan. It is suspected that the hidden hand of Lord Mountbatten was behind this foul attempt to stab Pakistan in the back. This was one of the "560 apples" of the "basket of apples", he had earlier promised to sell to Sardar Patel in exchange for the acceptance of the plan of partition. India treated this as an excuse for rushing her armies into Kashmir ostensibly in aid of the Maharaja, who was then facing a revolt by his Muslim subjects forming an overwhelming majority in the State. This led to the first armed confrontation between Pakistan and India in 1948. The two armies came into clash and the situation assumed alarming proportions but the United Nations in January 1949, ultimately brought about a ceasefire agreement. This saved only a portion of Kashmir on one side of the ceasefire line but the Kashmir dispute still continues as a festering sore in the Indo-Pakistan relationship and we are still on the cease-fire line drawn in 1949.

12. Due to the stress of these important events there was a temporary set-back in the political activities in the country but the Quaid ultimately decided to wind up the All-India Muslim League and to establish an All-Pakistan Muslim League on the 15th of September 1948, and in the following April the Council of the new Muslim League held its first session at Karachi.

Unfortunately the first political discord in East Pakistan occurred over the formation of the Muslim League Council. While in the Punjab, the Councillors already elected from the partitioned districts of the Punjab falling in Pakistan automatically constituted the Punjab Provincial Muslim League Council, this did not happen in East Bengal, as that province was then known. The old Council was dissolved and a new Council was elected with Khawaja Nazimuddin as its Leader. He became the Chief Minister of East Bengal.

Mr H.S. Suhrawardy was ousted from the Council. The old Council resented this and retaliated by converting itself into the Awami Muslim League and elected Mr Suhrawardy as its leader in-absentia (Vide evidence of Mr A.K. Rafiqul Hossain, witness No.159). He was at that time in the Frontier Province working with the late Pir Sahib of Manki Sharif. Both Maulana Bhashani and Sheikh Mujibur Rahman were important members of this new political party. Later, when the Communist Party was banned in Pakistan, the leftist elements gathered round Maulana Bhashani and the latter at first maintained a leftist cell within the Awami Muslim League with these elements but ultimately he broke away with this leftist group and formed the National Awami Party. Although the original programme of the Awami Muslim League was the same as that of the Muslim League, it gradually developed into an opposition party and took every opportunity to come into clash with the government. This started the confrontation between Khawaja Nazimuddin and Hussain Shaheed Suhrawardy in East Bengal.

13. In Punjab also the political situation was, by no means, satisfactory. The Nawab of Mamdot, who was called upon by the Quaid to form a Cabinet, soon found himself in difficulties with the dissident elements within his own Cabinet led by Mian Mumtaz Muhammad Khan Daultana and Sardar Shaukat Hayat Khan. The Quaid's efforts to bring about a rapprochement were of no avail and during the provincial elections of the Punjab Muslim League the Nawab of Mamdot was defeated, even though he was then the Chief Minister of the province. Mian Mumtaz Daultana was elected leader of the Provincial Muslim League. The position of the Nawab of Mamdot became untenable and the Central government was forced to resort to its powers under section 93-A of the Government of India Act to dismiss his Ministry and impose Governor's rule in the Punjab in January 1949.

14. The position in Sind was no better. The Chief Minister Mr M.A. Khuhro had to be removed on charges of corruption. Pir Illahi Bakhsh, who was elected leader by the Assembly party, was installed as Chief Minister in May 1948. Mr Khuhro, however, still retained his hold on the Provincial Muslim League. He was elected its president and with his majority in the Muslim League Council he started a campaign against the Sind government on the issue of Karachi being made the Federal Capital and thus being handed over to the Central government. He even set up a "Committee of Action" to carry on a campaign against the Provincial government but the Quaid after his return from the East Pakistan tour ultimately managed to persuade Mr Khuhro to call off the agitation. The government of Sind still, however, could not get out of the doldrums. Pir Illahi Bakhsh was unseated as a result of the findings of an Election Tribunal for mal-practices in the 1946 elections. His successor Mr Yusuf Haroon could retain his office only for a short time. Then came Qazi Fazlullah who too was soon thrown out of power by Mr. Khuhro whose disqualifications had in the meantime been set aside on technical grounds by the Chief Court of Sindh (Vide PLD 1950 Sindh 49). Mr Khuhro again became the Chief Minister but was again removed on the ground of corruption and Governor's rule had to be brought in.

15. In the North West Frontier Province a Congress Ministry was in power before Independence under the chief ministership of Dr Khan Sahib. He refused to resign when as a result of the referendum an overwhelming vote was cast in favour of joining Pakistan. He had opposed the creation of Pakistan throughout and, therefore, refused to attend the flag hoisting ceremony on the 14th of August 1947. He started the Pakhtoonistan movement and his Ministry had to be dismissed under the orders of the Quaid for his anti-Pakistan activities. Khan Abdul Qayyum Khan, the leader of the Provincial Muslim League, was made Chief Minister. He ruled with such a firm hand that his political opponents charged him with having destroyed democracy.

16. Even at the Centre dissatisfaction was felt right from the time of the formation of the first Cabinet by the Quaid, as in his endeavour to establish a Cabinet of talent he had been forced to include in it personalities like Sir Zafarullah Khan, Nawab Mushtaq Ahmad Gurmani and Mr. Ghulam Muhammad, who had never even been members of the Muslim League. Every one in the western wing was more concerned about getting things going rather than to worry about such matters, as they had complete faith in the Quaid and his Prime Minister.

17. In East Pakistan where the problems were not of such alarming proportions, the opposition against the Muslim League government started gathering momentum and the opposition parties raised the language issue demanding that Bengali should be given the status of a national language. The Quaid, in spite of his ill health, had to undertake an arduous journey to East Bengal via Colombo in April, 1948, and tried to quell this controversy by making it clear "that Bengali would and should be the language of East Bengal but that Urdu would be the language for the nation, the State language, because without one State language no nation could remain tied up solidly together and function". This had a sobering effect for the time being.

18. It may be mentioned here that while there had been an almost total exchange of population in all the Provinces in the western wing, except Sind, over one and a half crores of Hindus had continued to remain behind in East Pakistan. It was felt that this language movement was the outcome of their insidious influence. They were, particularly, exploiting the fact that most of the senior government officers then serving in East Bengal were either from the Punjab or the United Provinces and most of them did not speak the language of the province.

19. The Hindus had also become politically active by joining the opposition against the government. They supported the Awami Muslim League, whose name was by that time changed into Awami League by dropping the word "Muslim" to make it possible for the Hindus to become members of that party. Despite this rising opposition, the Muslim League government of East Bengal managed to continue in power but a new calamity struck the nation at this time. The cruel hand of death took away the Quaid from us on the 11th of September 1948. Khawaja Nazimuddin was chosen to succeed him. He left for Karachi. Mr. Nurul Amin succeeded him as the Chief Minister of East Bengal. Though a seasoned politician, he did not maintain sufficient contact with the masses. After assuming the office of Chief Minister he was also often afflicted by gout and his contact with the masses began to diminish more and more. His troubles started from 1950 when there was a recrudescence of communal rioting in West Bengal and a further influx of Muslim refugees from there. At this time Mr. Fazlul Haq was visiting Calcutta and a sudden rumour spread in East Bengal that he too had been killed by rioters in Calcutta. The Muslims in East Bengal rose in fury and there were some retaliatory killings in Dacca, Khulna and Noakhali with further migrations of Hindus. The situation was, however, soon brought under control by the timely intervention of the Prime Minister, Nawabzada Liaquat Ali Khan, who himself proceeded to India to talk with his counterpart there to bring about a solution of the major problems. This resulted in the Nehru-Liaquat Agreement of 1950 and an easing of the situation.

20. The Prime Minister also activated the Constituent Assembly and got the Objectives Resolution passed on the 7th of March 1949. He also tried to cleanse politics of the corrupt elements under the Public and Representative Offices (Disqualification) Act passed in 1949. Unfortunately, the latter was not used by the Provincial governments for the purpose for which it was intended but rather to crush opposition. Mr. Khuhro, Nawab Mamdot, Qazi Fazlullah and Mr. Hamidul Haq Chowdhry were prosecuted under the PRODA and disqualified from holding office for a number of years. It was during this time also that the Basic Principles Committee of the Constituent Assembly submitted its first report in September 1950. This was not received with approval by the public. The opposition made this another issue and it had to be sent back to the Constituent Assembly.

21. Another very dangerous tendency manifested itself at this stage by the discovery in March 1951 of a conspiracy by some army officers to overthrow the government. The conspiracy was nipped in the bud and the conspirators were tried by a Special Tribunal in what has now come to be known as the Rawalpindi Conspiracy Case. Soon after the Prime Minister himself was assassinated while addressing a large public gathering in Rawalpindi in October 1951. The murderer was immediately pounced upon and killed, it is said, by the crowd. The motive for the crime thus died with him. Efforts to unearth the conspiracy yielded no results and it still remains a mystery. Liaquat Ali's death was a great blow to the nation. It was difficult to

find a replacement for him. By some curious turn of events, however, Khawaja Nazimuddin, a person hardly suited for this arduous and difficult office, was selected. He stepped down from his Governor-Generalship to become the Prime Minister and Mr Ghulam Muhammad, the leader of the bureaucrats, who was then Finance Minister, was chosen to fill the high office of the governor-general. He took over this office on the 20th of October 1951. A fateful day for Pakistan as subsequent events have since proved. This day marks the beginning of the rule of the bureaucrats in Pakistan. The politicians were divided amongst themselves. They were unable to decide upon the form of the Constitution of the country. The economic conditions of the country were also deteriorating rapidly with acute shortages of essential commodities particularly in East Pakistan. Khawaja Nazimuddin was no match for the bureaucrats now firmly entrenched in a position of advantage with one of their own kind as the Head of the State.

22. The Constituent Assembly produced its second draft in December 1952, but this was not acceptable to the Punjab, because it gave equal representation to the two wings in the upper house. Punjab claimed that in a Federal form of government, as proposed in the basic principles report, each unit should be given equal representation, no matter what its population or size. This meant that in the Federal Upper House East Pakistan being one Province would always be in a minority, although on the population basis it had a majority over the combined populations of the rest of Pakistan. This was the beginning of the conflict between the East and the West. It was not unnatural for the former in the circumstances to retaliate by demanding that representation in the Assembly should be on the basis of population. This brought about a complete deadlock, as the gulf between the two appeared to be unbridgeable. Khawaja Nazimuddin who had, of necessity, to support the East Pakistan view, became unpopular and his popularity was further weakened by the violent anti-Qadiani movement started in Lahore, to suppress which Martial Law had for the first time to be imposed in Pakistan. Some, like Maulana Ehteshamul Haq Thanvi (Witness No.106) are of the opinion that this movement itself was directed against Khawaja Nazimuddin while others are inclined to the view that Khawaja Sahib's tolerant attitude towards religious leaders led to this crisis. The Khawaja Sahib, though educated abroad and a member of the Bar, was a devout Muslim of the orthodox Hanafi School. He shunned European clothes and never missed his prayers. He was, however, too meek and self-effacing to provide the dynamic leadership the country needed or to keep the warring elements in his own party together. The bureaucrats made this an excuse to turn against him and started joining in political intrigues.

23. In the meantime, the political tempo in East Pakistan also started mounting and the opposition gained strength from the growing discontent within the Muslim League itself. People began to complain of the shortage of essential commodities, such as salt, mustard oil, matches, cloth and food-grains. The intellectuals, mainly economists, began to highlight the differences in the development of the two wings and to contend that the foreign exchange earnings of the East were being utilized entirely for the building up of West Pakistan by starving the East. Some politicians also objected to the principle of parity envisaged in the report of the Basic Principles Committee. The students started an agitation for the recognition of Bengali as a national language and all opposition elements joined together to demand fresh elections, as elections had already been held in the Punjab in December 1951. The ruling party in East Pakistan felt uncertain of its chances and kept on postponing the elections. The agitational elements recognising the weakness of the government, spearheaded a violent movement for the recognition of Bengali as a national language and demanded that the Provincial Assembly which was to meet in early 1952, should pass a resolution to that effect. Students called a Hartal on this date and took out processions which were all to converge at the Assembly Hall then located in a university building right in the midst of the campus. The police tried to cordon off the Assembly and thus came into violent clash with the processionists. Firing ultimately had to be resorted to and a few students were killed. The agitation took on an extremely serious turn; the students joined by the opposition politicians demanded the resignation of Mr. Nurul Amin, the then Chief Minister.

Several ministers were manhandled and the Provincial Assembly was ultimately compelled to pass a resolution recommending to the Constituent Assembly to recognise Bengali as one of the two national languages. To suppress this agitation Mr Nurul Amin's government used its emergency powers ruthlessly. Mr Suhrawardy, who had earlier gone to East Pakistan and might well have been able to control the movement, was served with an externment order just as he was about to disembark at the Steamer Ghat at Narayanganj. Mujibur Rahman, Maulana Bhashani and several other opposition leaders were detained under the East Bengal Public Safety Ordinance (No. IX of 1955). This led to further violent demonstrations in various other cities of East Pakistan in which the Hindus openly supported the opposition.

24. In the North West Frontier Province, Khan Abdul Qayyum Khan fell out with the then Secretary of the All-Pakistan Muslim League and rejected the nominations made by the Centre for the coming Provincial Elections. He put up his own candidates and won a sweeping victory in December 1951. His success was recognised by the All-Pakistan Muslim League, virtually admitting defeat, and Khan Abdul Qayyum Khan formed a new cabinet. With his new found strength he ruled the province with a firm hand.

25. In Sindh, after the removal of Mr Khuhro no other government could be formed. The Governor's rule became so unpopular that the Governor Mr Din Mohammad himself had to resign in November 1952. In the Provincial Elections of 1953, that were then held, Mr Khuhro followed the policy of Khan Abdul Qayyum and got his own candidates elected against the candidates nominated by the Central Parliamentary Board. This time, however, the All-Pakistan Muslim League refused to recognise his party and ordered him to hand over the office and the funds of his party to Mr Ghiasuddin Pathan. Mr Khuhro refused and ultimately went to the courts from where he obtained a stay order.

26. The mounting crisis in the provinces against the scarcity of food and the rising prices of other commodities, the language movement in East Pakistan and the desperate efforts made by the governments in power to crush the opposition by repressive measures, including the initiation of proceedings even against some of the erstwhile colleagues of the Muslim League under the Public and Representative Offices (Disqualification) Act, 1949, gave the governor-general Ghulam Mohammad the opportunity he was waiting for to concentrate all power in his own hands. He dismissed Khawaja Nazimuddin in April 1953; just a month after he had with a safe majority managed to get his budget passed by the House and still enjoyed the confidence of the majority in the Assembly. This was obviously done to find a more pliable Prime Minister with whose assistance he could obtain a Constitution according to the wishes of his own "inner circle" of bureaucrat advisers which would also enable him to attain his ambition of ruling the country with absolute powers. This was the first blow struck at democracy which was soon to be followed by many more and ultimately to bring about the death of democracy itself.

27. Mr Muhammad Ali of Bogra, who was then the Ambassador of Pakistan in the United States of America and not even a member of the National Assembly, was hurriedly called back and taken straight from the airport to the governor-general's House where he along with his ready-made Cabinet was on the same day sworn in. The most significant feature of this cabinet was that the Commander-in-Chief of the army, General Muhammad Ayub Khan, was, against all parliamentary traditions, included as a Defence Minister.

28. The disintegration in the Muslim League itself had brought in such a state of demoralization that it docilely submitted to this change by electing the new Prime Minister as the leader of the Parliamentary party. Negotiations initiated earlier by Khawaja Nazimuddin to import foodgrains after the unprecedented floods in the Punjab in late 1950 and the cyclones in East Pakistan in 1951 started maturing during this regime and the danger of famine was averted by the United States of America supplying several lakh tons of foodgrains, some free and some at concessional rates, in exchange for Pakistan abandoning its policy of neutrality and entering into a Mutual Defence Assistance Agreement with the USA in May 1954 and later joining the Baghdad (CENTO) Pact and the SEATO pact.

29. The Basic Principles Committee of the Constituent Assembly also prepared another draft (Third Draft Constitution) in which the principle of parity between East and West Pakistan, proposed initially in the second draft by Khawaja Nazimuddin, was maintained in a modified form. The distribution of seats was so made as to ensure parity between the two wings in a joint session of the two Houses. The innovations introduced were that the two Houses were to have equal powers but in the case of a conflict a joint session had to be called and it was further provided that in matters affecting a particular wing, at least one-third of the total number of members from that wing attending and voting in the Assembly should support the measure. This was no doubt a safeguard against the possibility of the members from East Pakistan combining either with Sindh or NWFP and adopting a constitution not acceptable to the others. It was hoped that with the acceptance of this basic principle, known as the Mohammad Ali formula, a Constitution would soon be evolved within the course of a year but Provinces willed otherwise, for, the politics of the country had in the meantime taken an entirely different turn. The Muslim League had in the elections held in East Pakistan in 1954 suffered a serious defeat at the hands of the combined opposition (Jugto Front) spearheaded by Mr A.K. Fazlul Haq, Mr Suhrawardy and Maulana Bhashani, the first as the leader of the Krishak Sramick Party, the second as the leader of the Awami League and the third as the leader of the leftist group in Awami League. They were the three most popular and most trusted political leaders of Bengal. The Muslim League, in spite of a last minute effort made by Miss Fatima Jinnah, herself was routed and could not even secure 15 seats.

30. The Federal Assembly, however, seeing the position slipping out of its hands decided to assert itself. It repealed the much-hated Public and Representative Offices (Disqualification) Act of 1949, on the 20th of September 1954, which was being used as a Sword of Damocles by the governor-general against political opponents. Then under the leadership of Mr Fazlur Rahman of East Pakistan and, as some would have us believe, with the tacit support of the Prime Minister Mohammad Ali of Bogra himself, hurriedly passed the following measures, within the record period of 18 hours, when the governor-general was out on a tour of the North West Frontier Province, providing: -

- a) that the responsibility of the Cabinet would be joint;
- b) that a vote of no-confidence against any minister would be treated as a vote against the entire cabinet; and
- c) that the governor-general would be bound invariably to act on the advice of the cabinet.

31. The governor-general on his return from the tour was furious. Utilising his extraordinary powers he repealed the Public and Representative Offices (Disqualification) Act of 1949 with retrospective effect, let loose all the political opponents of the then leaders of the Muslim League, and on the 24th of October 1954, dissolved the Constituent Assembly itself, purporting to act in exercise of his prerogative powers as the representative of the Crown, on the pretext that the Assembly had lost the confidence of the people. The Assembly Chambers were surrounded by the military and the Speaker Maulvi Tamizuddin Khan was debarred from entering the same. He invoked the writ jurisdiction of the High Court of Sind under section 223-A of the Government of India Act of 1935, which had been introduced by an amendment passed by the Constituent Assembly on the 6th July 1954, and authenticated by the Speaker by his own signature in accordance with the practice followed consistently since the death of the Quaid. According to this practice measures of a constitutional nature were not required to be put up before the governor-general for his assent, but became law on the authentication given by the Speaker sitting as Chairman of the Constituent Assembly. Other legislative measures, however, required the assent of the governor-general.

32. The High Court issued a writ of Mandamus restraining the government from interfering with the Assembly. The Government went in appeal to the Federal Court. During the pendency of the appeal, it is

reported, negotiations for a settlement were going on between the governor-general and the Speaker for the withdrawal of the appeal but the negotiations did not materialize. The Federal Court, ultimately without going into the question of the validity of the dissolution of the Assembly, allowed the appeal on the ground that all legislation, whether of an ordinary nature or of a constitutional nature, required the assent of the governor-general (vide *Federation of Pakistan vs Maulvi Tamizuddin Khan*, PLD 1955 FC 240). Section 223-A introduced into the Government of India Act by an amendment, which had not received such assent was not good law and, therefore, no relief could be granted thereunder to Maulvi Tamizuddin Khan. The writ was, accordingly, recalled. The governor-general won but democracy suffered another serious blow.

33. This judgement, though in favour of the governor-general, nevertheless, created further problems for him. The entire constitutional machinery, which had been introduced since the demise of the Quaid, became illegal as a result of this decision. The governor-general tried to remove this difficulty by retrospectively validating such of the measures which he wished to retain by an Ordinance called the Emergency Powers Ordinance (No.9 of 1955) but in another case of Yusuf Patel (vide PLD 1955. FC 387) the Federal Court again declared this Ordinance illegal on the ground that though the governor-general could, in the absence of the Federal Assembly, pass legislative measures by Ordinance, he could not exercise the same powers with regard to constitutional measures, because, that was the exclusive function of the Constituent Assembly. The governor-general was now hoisted with his own petard. A complete political impasse had been created by his own unconstitutional actions. There seemed no way out. He, therefore, threw the ball back into the court of the Federal Judiciary by invoking its advisory jurisdiction (Vide governor-general's Reference No.1 of 1955 PLD 1955 FC 435). Not finding any law governing the point, the doctrine of necessity was invoked in aid and relying on the maxim of *saulus populi est suprema lex* (Safety of the people is the Supreme Law) the Court advised the government to constitute a new Assembly in accordance with the guidelines laid down by it and pass another measure validating the constitutional provisions or such of them as were desired to be retained within a certain period of time.

34. A new Constituent Assembly was, accordingly, elected. While the provincial Assemblies in West Pakistan returned the same persons, more or less, who were in favour of the ruling Muslim League, the East Pakistan Assembly voted a totally new set. The second Constituent Assembly met at Murree in 1955. Out of a total membership of 80, the Muslim League could obtain only 20 seats. Sixteen seats were held by the Krishak Samik Party of Mr Fazlul Haq. The Awami League under Mr Suhrawardy came in with 13 members. The rest consisted of splinter groups. Thus no party had a clear majority in the House. A coalition government had, of necessity, therefore, to be formed. The constitutional order was restored as suggested by the Federal Court, but difficulties arose in forming the Central Cabinet. The physical condition of the ambitious governor-general, who was suffering from a paralytic stroke deteriorated further and rendered him incapable of functioning. His speech became extremely incoherent. He could not even steady his hands to append his signatures to documents. He was made to proceed on leave and another bureaucrat (General Iskandar Mirza) managed to get himself appointed as the acting governor-general with the aid of Ch Muhammad Ali, the then Finance Minister. Mr A.K.Fazlul Haq was persuaded to join hands with the Muslim League and a government was formed with Muhammad Ali Bogra as the Prime Minister. Mr Suhrawardy led the opposition. Soon Mr Muhammad Ali himself was dropped and sent back to America as Ambassador. Ch Muhammad Ali replaced him as the leader of the Muslim League party and became the Prime Minister. Governor-general Ghulam Muhammad was, in the meantime, retired because of his ill-health and thus Major General Iskandar Mirza became the permanent governor-general in August 1955.

35. In the Provincial sphere too, new developments had begun to take place in East Pakistan in the meantime. The Jugto-Front having defeated the Muslim League in the 1954 elections was called upon to form a government under the leadership of Mr Fazlul Haq on the 3rd of April 1954, but before he could do so the law and order situation in Dacca, Narayanganj and Khulna seriously deteriorated and widespread riots started,

directed mainly against the Beharis settled in East Pakistan. The situation assumed serious proportions. The governor-general dismissed Mr Fazlul Haq's Ministry and imposed Governor's rule in the province. Ch Khaliq Zaman, the then Governor, was replaced by Major-General Iskandar Mirza. The latter reached Dacca on the 20th of May 1954, called out the military, banned the Communist Party and placed Mr Fazlul Haq under house arrest. Some of his Cabinet Ministers were also placed under detention. Governor's rule continued for one whole year. On the 6th of June 1955, the situation, it was thought, had improved and a government was formed under Mr Abu Hussain Sarkar, a nominee of Mr Fazlul Haq, but this too did not survive long. Major General Iskandar Mirza was at this stage, called back to the Centre, settlement was made with the Jugto Front, Mr Fazlul Haq was appointed Governor of East Pakistan and a new government led by Mr Aatur Rahman Khan, an Awami Leaguer, came into being. Sh Mujibur Rahman was also a member of his cabinet.

36. In Sind after the 1953 elections Governor's rule was ended and a government was formed with Mr Pirzada Abdus Sattar as Chief Minister. His government too was short-lived, as he was not fully cooperating with the Central government. He was dismissed and Mr Khuhro again became the Chief Minister of Sind for the third time in November 1954.

37. In the Punjab, Sir Firoz Khan Noon's Premiership ended in May 1955. The Nawab of Mamdot, who had since formed the Jinnah Awami League, succeeded in winning 14 seats in the provincial elections. The Noon Ministry fell foul of the Central Government and the Provincial Governor Mr M.A. Gurmani over the election of members for the second Constituent Assembly and his government was dismissed in May 1955. He was succeeded by Sardar Abdul Hamid Khan Dasti.

38. In the North West Frontier Province when Khan Abdul Qayyum Khan came to join the Central government in April 1953, he appointed Sardar Abdul Rashid as his successor, although the latter was not a politician but only the Inspector-General of Police. However, by his wise and liberal policies he maintained his position and even managed to assuage the opposition. He declared a general amnesty, released the political opponents detained by Qayyum Khan, restored their confiscated properties and removed the restrictions on the movements of Dr Khan Sahib.

39. Political activities in the Centre also began to develop rapidly. Mr Ghulam Muhammad had managed to have resolutions passed by the Provincial Assemblies of West Pakistan in support of the one-unit scheme and Bills for the setting up of the one-unit had been introduced. At this stage Ch Muhammad Ali assumed the office of Prime Minister in August 1955. He managed to pilot through the Bills for the creation of one-unit in West Pakistan by amalgamation of all the Provinces in the West, and the Establishment of West Pakistan Act was passed in October 1955. A new Province of West Pakistan came into being and of all persons Dr Khan Sahib was appointed the first Chief Minister of West Pakistan. The new Constituent Assembly was also activated and a new Constitution embodying the principles of parity was passed in February 1956. General Iskandar Mirza manoeuvred to get himself elected as the first President of Pakistan and the first Constitution came into effect on the 23rd of March, 1956, about nine years after independence.

40. Whatever might have been the merits or demerits of that Constitution, the people by and large heaved a sigh of relief in the honest belief that after 9-1/2 years of travail and misgivings, the road to constitutional government and the establishment of a democratic process had been opened and would be followed in good faith. In spite of the dissatisfaction voiced by the younger extremist section of the members from East Pakistan — as the Province was now named — led by Sh Mujibur Rahman, elder Statesmen like Khawaja Nazimuddin, Mr A.K. Fazlul Haq, Mr Suhrawardy, Mr Nurul Amin, Mr Fazlur Rahman, Maulvi Tamizuddin Khan and others accepted the principle of parity as the best compromise solution in the circumstances. It still left the door open for East Pakistan to play an effective role in the governance of the country and to fully participate in the making of policy decisions if healthy conventions were established and important portfolios were equally shared between the two wings. This hope was, however, short-lived, as subsequent events will show.

41. The ambitions of the new President General Iskandar Mirza were not fully satisfied by the new Constitution. He was not content with being merely a Constitutional Head of State. He, therefore, started intriguing for weakening the Muslim League through Dr Khan Sahib under whose leadership a new party, called the Republican Party, was secretly formed. To strengthen the Republican Party, the President also entered into a deal with the Awami League and Mr Suhrawardy, its leader, was appointed Prime Minister on the 12th of September 1956, to head an Awami League-Republican Coalition. It is regrettable that, for the love of power and the gratification of their own personal ambitions, a large number of the members of the Muslim League also defected to the Republican Party and its membership in the National Assembly was reduced to only 10. In the West Pakistan provincial Assembly also it suffered a defeat on the question of the election of its own Chief Minister in spite of the fact that it had a clear majority in the House. In East Pakistan it had already become an insignificant minority after the elections held in 1954.

42. Mr Suhrawardy, an able and experienced administrator, tried his best to overhaul the administration and put new life into it but being the leader of only a small section of the coalition, he could hardly be expected to achieve much. The Krishak Sramick party was constantly intriguing against him and taking the opportunity of his absence from the country, on a tour of Europe and America, entered into an alliance with the Republican, a party now the Palace party.

43. With this added strength the Republican party was in a position to dictate to Mr Suhrawardy. He was asked first to dismiss Mr Gurmani, the Governor of West Pakistan, who had fallen from the grace of the President, and next to support the Republican Party in breaking up the one-Unit and West Pakistan province. Mr Suhrawardy obliged by complying with the first request but refused to do the second and, relying upon a secret promise of firm support given to him by Mr Daultana of Punjab, publicly announced his refusal to break up the One-Unit. The Republicans led by Dr Khan Sahib who had never supported Pakistan, as earlier stated, thereupon withdrew their support but Mr Daultana did not honour his pledge. Mr Suhrawardy's Premiership ended on the 17th of October 1957, when he was asked by the President to resign without giving him a chance of testing his strength in the Assembly.

44. In this background of bickering within the political parties and the internal personal rivalries of the leaders, the governor-general became the most important figure in the politics of the country. He appointed whom he liked and dismissed him when he pleased. He had little respect for the politicians and made no secret of his view that parliamentary democracy would not work in Pakistan. He believed only in "controlled democracy and the separation of religion from politics" — the two theories which struck at the very root of Pakistan. Dr Khan Sahib echoed his master's feelings by declaring that Iskandar Mirza was the only person fit to govern the country and that the Constitution should be abrogated and a Revolutionary Council set up. Ministry making and Ministry breaking in the Centre became a game of musical chairs. Ministers came and went at the whim of the President. The story was the same in the provinces though for somewhat different reasons.

45. During Mr Suhrawardy's Premiership, Mr Fazlul Haq was dismissed from the Governorship of East Pakistan and Mr Abu Hussain Sarkar's Ministry had also to go. Mr Ataur Rahman Khan and his entire cabinet came back into office. But when the Provincial Assembly met on the 3rd of April 1958, it passed a vote of no-confidence against Mr Ataur Rahman's Ministry. Mr Abu Hussain Sarkar once more became the Chief Minister on the 20th of June 1958, but again on the 23rd of June, was thrown out by a no-confidence vote passed by the Awami League and the National Awami Party of Maulana Bhashani joining hands. Governor's rule was again imposed but after two months Mr Ataur Rahman Khan was recalled and asked to form a government. The Assembly met on the 20th of September 1958, but a fight broke out on the floor of the House and continued for an hour. The Speaker slipped out of the Chamber and his place was taken by the Deputy Speaker, Mr Shahid Ali, an Awami League member, and a government motion was passed declaring the Speaker to be of unsound mind. Three days later when the Speaker tried to enter the House he was

stopped by the police. The Deputy Speaker, Mr Shahid Ali, chaired the meeting but was fiercely attacked by the opposition. A fight again broke out. In the melee someone hit the Deputy Speaker with a microphone stand and he died as a result of his injuries in the hospital. The police arrested Mr Abu Hussain Sarkar and other members of the Krishak Sramick party on charges of attempt to murder.

46. In the West Pakistan Province the movement against the One-unit started gathering momentum. The Republican Party itself was now keen to break up the One-unit. It entered into an agreement first with the National Awami party of Mr G.M.Syed and a resolution to break up the One-unit was actually passed by the West Pakistan Assembly on the 17th of August 1957. But this marriage of convenience was short-lived. Mr G.M.Syed's group withdrew its support to the Republican Party and Sardar Abdul Rashid, the then Chief Minister, had to resign on the 17th of March 1958. He was succeeded by Nawab Muzaffar Ali Qizilbash. The latter proved to be more tactful and somehow averted a defeat.

47. The public disgust against these manoeuvrings of the governor-general and the Republican Party were, however, rising and it boiled over when Khan Abdul Qayyum Khan was elected President of the Muslim League on the 29th of March 1958. He launched a public campaign against General Iskandar Mirza by publicly proclaiming that he was ill-fitted to hold the office of President and had become the greatest hurdle in the way of the development of democratic and constitutional government in Pakistan. The government was at that time planning to ban the Muslim League National Guards. Qayyum Khan took up the challenge and proclaimed that he would himself lead a demonstration wearing a uniform. There was a general clamour for fresh elections, as people were getting disgusted with these political intrigues. Corruption had become rampant in both Wings and hopes of a change in the order by a democratic process were being rapidly dashed by the repeated postponements of the elections for the National Assembly. All this was not without a purpose, for, in the meantime, General Iskandar Mirza in collaboration with the Commander-in-Chief of the Army was planning a secret operation, called "operation over-lord" to abrogate the Constitution, dismiss the National Assembly and the Cabinet and ban all political activity.

48. On the 7th of October 1958, the Army occupied all key positions and Martial Law was declared. The nation having had a foretaste of Martial Law in Lahore in 1953 submitted docilely hoping that it would not last for long. Thus ended in a short period of two years and seven months the period of constitutional democracy for Pakistan. Another "rampant" chapter in the history of Pakistan had come to a close.

49. Notwithstanding the intrigues of the self-seeking politicians, the machinations of the ambitious heads of State and the flagrant abuses of the constitutional provisions during this period, there still lingered a hope that democracy may in some form or the other ultimately assert itself and bring about a workable solution of the special problems posed by the separation of the two wings of the country by over a thousand miles. As long as there was a chance of a change being brought about in the form of government by constitutional means there remained an expectation of a mutual adjustment for the sharing of power in the governance of the country between the two wings. The sense of participation was not altogether lost. Three Bengalis had been Prime Ministers and one a governor-general. Several others had held important portfolios in the Cabinet. The possibility was also there of East Pakistanis acquiring a greater control over the affairs of the country by the development of political parties of a national character. In spite of the frustrations, therefore, there was no sense of separation and no idea of departing from the federal pattern of the state accepted in the Objective Resolution of 1954. The East Pakistanis still believed in one Pakistan although they insisted upon a large measure of autonomy for that Province and less interference by the Centre in the governance thereof. The death of the first Republic had, however, brought in a new concept which, as we shall presently notice, gave a totally different complexion to the political aspirations of the people of East Pakistan.

50. One other disturbing feature arising from the political wrangling of this period was the emergence in East Pakistan of a Hindu Congress party under the leadership of a veteran Congressman, Mr Basanta Kumar Das

of Sylhet. As a result of a rift between the major Muslim Parties in the Jugto Front, namely, the Awami League and the Krishak Sramick Party, the Congress party came to the position of holding the balance of power and dictating its terms for supporting one or the other. Indeed, its influence grew to such an extent that when in 1957 Mr Aaur Rahman Khan attempted to check smuggling in East Pakistan with the help of the military, pressure was brought to bear upon him by the Hindu minority on whose support his government was dependent and the scheme had to be abandoned.

51. The Constitution set up in 1961 by Field Marshal Muhammad Ayub Khan in paragraph 21 of its Report observes as follows: -

"In East Pakistan in 1957, the Chief Minister obtained, from the military authorities, assistance in starting and working a scheme which could effectively stop the smuggling of goods out of Pakistan. The scheme worked successfully and goods worth a crore of rupees were seized in one month, but owing to pressure brought to bear on the ministry by a section of the Hindu minority, on whose support the Chief Minister was solely dependent, the scheme was practically abandoned. On account of similar pressure, certain criminal cases, pending against persons who were alleged to have passed on to the neighbouring country information about army manoeuvres in East Pakistan were withdrawn."

4

POLITICAL HISTORY OF PAKISTAN FROM OCTOBER 7, 1958 TO JUNE 6, 1962

On the 7th October, 1958, President Iskandar Mirza by his Proclamation declared as follows: - "For the last two years I have been watching, with the deepest anxiety, the ruthless struggle for power, corruption, the shameful exploitation of our simple, honest, patriotic and industrious masses, the lack of decorum and the prostitution of Islam for political ends. There have been a few honourable exceptions. But, being in a minority, they have not been able to assert their influence in the affairs of the country.

These despicable activities have led to a dictatorship of the lowest order. Adventurers and exploiters have flourished to the detriment of the masses and are getting richer by their nefarious practices.

Despite my repeated endeavours, no serious attempt has been made to tackle the food crisis. Food has been a problem of life and death for us in a country which should be really surplus. Agriculture and land administration have been made a hand maiden of politics, so that, in our present system of government, no political party will be able to take any positive action to increase production.

In East Pakistan, on the other hand, there is a well organised smuggling of food, medicines and other necessities of life. The masses there suffer due to the shortages so caused in, and the consequent high prices of these commodities. Import of food has been a constant and serious drain on our foreign exchange earnings in the last few years, with the result that the government is constrained to curtail the much-needed internal development projects.

Some of our politicians have lately been talking of bloody revolution. Another type of adventurers among them think it fit to go to foreign countries and attempt direct alignment with them which can only be described as high treason.

Disgraceful scene

The disgraceful scene enacted recently in the East Pakistan Assembly is known to all. I am told that such episodes were common occurrences in pre-partition Bengal. Whether they were or not, it is certainly not a civilised mode of procedure. You do not raise the prestige of your country by beating the Speaker, killing the Deputy Speaker and desecrating the National Flag.

The mentality of the political parties has sunk so low that I am unable any longer to believe that elections will improve the present chaotic internal situation and enable us to form a strong and stable government capable of dealing with the innumerable and complex problems facing us today. We cannot get men from the moon.

The same group of people who have brought Pakistan on the verge of ruination will rig the elections for their own ends. They will come back more revengeful, because, I am sure, that the elections will be contested, mainly, on personal, regional and sectarian basis. When they return, they will use the same methods which have made tragic farce of democracy, and are the main causes of the present widespread frustration in the country.

Shifting loyalties

However, much the Administration may try, I am convinced, judging by shifting loyalties and the ceaseless and unscrupulous scramble for office, that the election will neither be free nor fair. They will not solve our difficulties. On the contrary, they are likely to create greater unhappiness and disappointments leading ultimately, to a really bloody revolution. Recently, we had elections for the Karachi Municipal Corporation. Twenty-nine percent of the electorate exercised their votes, and out of these, about 50 per cent were bogus votes.

We hear threats and cries of civil disobedience in order to retain private volunteer organisations and to break up One Unit. These disruptive tendencies are a good indication of their patriotism and the length up to which politicians and adventurers are prepared to go to achieve their parochial aims.

For the last three years, I have been doing my utmost to work the Constitution in a democratic way. I have laboured to bring about coalition after coalition, hoping that it would stabilise the Administration and that the affairs of the country would be run in the interests of the masses. My detractors, in their dishonest ways, have, on every opportunity, called these attempts as Palace intrigues. It has become fashionable to put all the blame on the President. A wit said the other day: "If it rains too much it is the fault of the President and if it does not rain it is the fault of the President". If only I alone am concerned, I would go on taking these fulminations with the contempt they deserve. But the intention of these traitors and unpatriotic elements is to destroy the prestige of Pakistan and the government by attacking the Head of the State. They have succeeded to a great extent, and, if this state of affairs is allowed to go on, they will achieve their ultimate purpose.

People disillusioned

My appraisal of the internal situation has led me to believe that a vast majority of the people no longer have any confidence in the present system of Government and are getting more and more disillusioned and disappointed and are becoming dangerously resentful of the manner in which they are exploited. Their resentment and bitterness are justifiable. The leaders have not been able to render them the service they deserve and have failed to prove themselves worthy of the confidence the masses had reposed in them.

The Constitution which was brought into being on March 23, 1956, after so many tribulations, is unworkable. It is so full of dangerous compromises that Pakistan will soon disintegrate internally if the inherent malaise is not removed. To rectify them the country must first be taken to sanity by a peaceful revolution. Then, it is my intention to collect a number of patriotic persons to examine our problems in the political field and devise a Constitution more suitable to the genius of the Muslim people. When it is ready and at the appropriate time, it will be submitted to the referendum of the people".

2. For these reasons, therefore, he considered it his foremost duty before God and the people to save Pakistan from complete disruption by taking the following steps: -

- a) abrogating the Constitution of 1956,
- b) dismissing the Central and Provincial Governments with immediate effect,
- c) dissolving the National Parliament and Provincial Assemblies,
- d) abolishing all political parties and
- e) placing Pakistan under Martial Law until alternative arrangements are made.

3. The Commander-in-Chief of the Army, General Muhammad Ayub Khan, was appointed the Chief Martial Law Administrator, and all the armed forces of Pakistan were placed under his command. The latter addressed the nation in that capacity on the following day in somewhat the same vein and tried to justify, what he described, as "a drastic and extremist step taken with great reluctance but with the fullest conviction that there was no alternative to it except the disintegration and complete ruination of the country". He too laid the blame at the door of the politicians and charged them with having "waged a ceaseless and bitter war against each other, regardless of the ill effects on the country, just to whet their appetites and satisfy their motives". There had been no limit, he maintained, "to the depth of their baseness, chicanery, deceit and degradation. Having nothing constructive to offer they used provincial feelings, sectarian, religious and racial differences to set Pakistan against a Pakistani. They could see no good in any body else. In this mad rush for power and acquisition, all that mattered was self-interest. The country and people could go to the dogs as far as they were concerned". He also informed the country that the late Mr. Ghulam Muhammad had, on several earlier occasions, asked him to take over the country but he had then refused to do so in the hope that some politician would rise to the occasion and lead the country to the future. Events, however, had "falsified those hopes and a perfectly sound country has been turned into a laughing stock". This, he said, was sad but the situation had to be laced and remedies found. The ultimate goal indicated by him, however, was "to restore democracy but of the type that people can understand and work".

4. Although the Constitution had been declared by both to be unworkable, yet three days later on the 10th of October, 1958, a law (Continuance in Force) Order, 1958, was promulgated to provide that notwithstanding the abrogation of the Constitution the country shall be governed, as nearly as may be, in accordance with its provisions, subject to any Order of the President or Regulation made by the Chief Administrator of Martial Law. The only other important provisions that this Order made was to provide that no writ shall be issued by any Court against the Chief Administrator of Martial Law or the Deputy Chief Administrator of Martial Law or any person exercising powers and jurisdiction under the authority of either and that no Court shall call or permit to be called in question the Proclamation itself, any order made in pursuance of the Proclamation or any Martial Law Order or any Martial Law Regulation or any finding, judgment or order of any Military Court.

5. Order came up for consideration before the Supreme Court three days later on the 13th of October 1958, in the case of state Vs. Dosso (PLD 1958 S.C.533). The only question raised in this case was as to whether the writs of habeas corpus and certioraris issued by the High Court in favour of Dosso and some others had abated by reason of the provisions of the Laws (Continuance in Force) Order, 1958. The Court on the 14th of October 1958, announced its decision holding that the writs had abated. The reasons for this decision were given on the 23rd of October, 1958, and in these reasons it was also held that the abrogation of the Constitution and the Imposition of Martial Law by President Iskandar Mirza were successful acts of revolution, which had by their own force created a new legal order after abolishing the old legal order, because, in law "a revolution, if it annuls the Constitution and the annulment is effective, itself becomes a new law creating agency".

6. This was clearly a certificate of validity for the acts of Iskandar Mirza but little did the latter then realize how dangerous the principle adumbrated by the Supreme Court was going to be for him. Armed with the pronouncement of the Supreme Court that any coup d'état, if successful, itself became a valid source of power, the Commander-in-Chief lost no time in fulfilling his own ambitions. Three days later on the midnight of the 27th October 1958, the President who had appointed him as his Chief Administrator of Martial Law, was put under arrest and packed out of the country. This was a second successful coup d'état for which the Commander-in-Chief needed no further certificate and he, therefore, also assumed the role of President. Thus began the first Martial Law period for Pakistan.

7. The accusations, contained in the Proclamation of Iskandar Mirza and the message of the Commander-in-Chief, against the politicians were no doubt, to a very large extent, not unfounded. But were those the only

reasons for the failure of the Constitution and the parliamentary system of government? Is it not ironical that for removing Iskandar Mirza himself the reason given by General Ayub was that he had been "too much associated with politicians responsible for bringing about the chaotic state of affairs in the country"? General feeling existed that Mirza was a much responsible for political deterioration as any one else. President Iskandar Mirza was without any doubt as much responsible for the shameful state of affairs as anybody else, for, as the Head of the State, it was his duty to ensure fair and impartial working of the Constitution and not to play with the politicians for his own personal interests. It is his Palace intrigues that had reduced the Constitution to a farce.

8. No Constitution can be entirely immune from defects but notwithstanding its shortcomings the Constitution of 1956, one cannot help feeling, could have been made workable if those entrusted with the task of implementing its provisions endeavoured to do so with good intentions and sincerity of purpose. It is true that in the short period of 2 1/2 years during which it lasted, parliamentary democracy had not worked with the success that it was expected to achieve. The combined machinations of self-seeking politicians and over-ambitious Heads of State had reduced the Constitution to a farce, and the trappings of democracy had degenerated into contrivances for the advancement of personal ambitions of a few. Provincialism and personal advantage ranked above national interests and group rivalries re-asserted themselves within a short time after the passing of the Constitution of 1956. It is not surprising therefore, that the Head of the State should have been drawn into the game of politics and taken a large share in the making and unmaking of governments to suit his own convenience. It is interesting to note that in paragraph 13 of its Report even Constitution Commission of Pakistan in 1961 had this damaging comment to make: - "Regarding interference by the Heads of the State, reference is, obviously, to the former President and his predecessor. It cannot be said that they did not interfere, or that they were not responsible for the confusion we have had in the political field, or that they were free from personal, or provincial, considerations but history shows that power passed effectively from the Head of the State to the people's representatives only when the later became disciplined and stood together to oppose autocracy. Till that stage was reached, the Head of the State could always interfere with impunity. Our not accepting the interference by the Heads of the State as one of the real causes of the failure of the parliamentary form of government does not amount to their exoneration. As we have already observed, we are not holding an inquisition against them or against the politicians. What we should like to point out is that interference by these Heads of the state would not have been possible if there had been discipline and solidarity in the parties in power".

9. Iskandar Mirza paid for his misdeeds but General Ayub, who was no doubt the real author of the conspiracy for the take over of the governance of the country prospered. He had utilised President Iskandar Mirza as a means for achieving his purpose smoothly and swiftly. As soon as that purpose was achieved Iskandar Mirza was packed off and Pakistan became the victim of a double treachery.

10. If Iskandar Mirza believed in "controlled democracy", General Ayub went a step further. He thought that the people of Pakistan were not fit for democracy. He also had nothing but contempt for politicians. According to his own admission in his book called "Friends Not Masters", the scheme he had prepared for Pakistan was, in his own words, to the following effect: -

"It seems that we shall have to have a system of government for a generation or so which prepares the country for democracy and solves some of the major problems".

Among the long-term objectives of the revolution was the introduction of major reforms designed to remove the confusion and imbalance in the social and economic life of the country. These reforms were to culminate in the "introduction of proper Constitution and restoration of Constitutional life". (see *Friends Not Masters* by Ayub Khan).

11. He started out well. A number of stern corrective measures were taken, which, with surprising rapidity, brought down prices, stopped black-marketing, checked hoarding and stopped smuggling. Corrupt officials

were screened out and huge quantities of smuggled gold were recovered. Under Martial Law Regulations many evacuees voluntarily surrendered false or exaggerated claims and business magnates declared hidden incomes and holdings of foreign exchange. The administration was toned up and on the 24th October 1958, a 12-member Cabinet was formed with 8 civilians and 4 Generals. The people in the beginning by and large welcomed these steps. General Ayub on his first visit to East Pakistan was given an unprecedented reception. He even addressed a public meeting at the University Sports Ground without any untoward incident, as the people were still under the impression that Martial Law was a temporary phase and would be removed as soon as the conditions had improved.

12. One main reason for this was that as declared by General Ayub in his message to the nation delivered on the 8th of October, 1958, he had for the operation of Martial Law itself utilised the civilian agencies to the maximum and withdrawn the army to the barracks as soon as their task of the initial take-over had been clearly defined to prevent confusion. The role of the Martial Law was only to give support to the civil authorities when required. The then Martial Law Administrators also had by and large functioned in a fair and impartial manner.

13. These immediate measures were followed by the setting up of a number of commissions to produce schemes for land reforms, agrarian reforms, educational reforms, law reforms, medical reforms and the development of scientific education and technology. The problem of settlement of refugees was tackled with determination. A big township was built at Korangi near Karachi within six months to settle some 15,000 refugees. Similar townships were planned for Dacca and Chittagong. The problems of East Pakistan began to receive greater attention and plans were drawn up for its industrial and economic development.

14. These were, no doubt, salutary steps and in the beginning the regime enjoyed a substantial measure of public support but when it was realised that Martial Law had come to stay and the Martial Law Authorities had no intention of restoring democracy of the kind known to the people, a sense of disillusion began to develop particularly in East Pakistan.

15. It is interesting to note in this connection that Mr Nurul Amin, when asked as to whether the Ayub Regime was popular in East Pakistan, stated as follows: -

“When it came first it was thought it would exist for about 3/4 months and set every thing right. Then a popular government would be installed after some elections but when the people found that they did not move at all and they wanted to stay on then they became unpopular”.

16. General Ayub, as already stated, was of the view that the western type of democracy was not suited to the genius of the people of Pakistan and, therefore, a democracy of the type suited to such genius had to be built up from grass roots. The method he wished to adopt for such re-shaping of democracy was spelled out in the Basic Democracies Order of 1959. It was a scheme for local self-government from the lowest level. So far as East Pakistan was concerned, this was definitely a retrograde step, for, that part of the country had already passed through this process of evolution in the times of the British starting with the Village Chokidari Act of 1870 and the Local Self-government Act of 1885. This disillusionment, so far as East Pakistan is concerned, developed into a sense of frustration amongst the people, who were more politically conscious than the people of West Pakistan and they began to feel that if military rule and Martial Law were to continue then they would be reduced to a colony and would never have any participation in the governance of the country.

17. Mr Nurul Amin, an ex-chief Minister of the Province, confirmed this by saying that when Martial Law was imposed and there was no Constitution for three years “there was a sense of frustration in the people East Pakistan, as they had no share in the administration of the country. They felt that they had no part to play in the administration of the country”.

18. The frustration that was created in that part of the country went on increasing but did not manifest itself in any serious form for the people were anxiously awaiting the report of the Constitution Commission set up on the 17th February, 1960, to submit constitutional proposals. The report was submitted towards the end of April 1961. It recommended a presidential form of government on the American pattern with proper checks and balances, a bicameral legislature and a federal system. The President, the Vice-President and the House of the People were to be elected directly by an electorate formed on the basis of a restricted adult franchise.

19. General Ayub accepted the proposal for a presidential form of Government but not the other proposals and in March 1962 presented a constitution, which was neither Presidential nor Parliamentary. It neither gave any fundamental rights to the people nor gave the legislature any effective voice in the control of the executive. All powers were centered around the President who was to be elected by an electoral college of 80,000 Basic Democrats. Even the power of voting upon the budget was taken away. The provinces were given no autonomy nor they were bound to carry out the directives of the Centre and even provincial ministers had to be approved by the President.

20. This caused great disappointment to the people of both wings for it had reduced democracy into a mockery. Opposition was, however, suppressed with a firm hand by the banning of all political parties and the disqualification of most political leaders for a period of six years under the Elective Bodies (Disqualification) Order, 1959. The free press was muzzled through the Pakistan Press and Publications Ordinance 1963 and a controlled press set up under the National Press Trust in 1964.

21. Many political leaders like Mr Suhrawardy, Khan Abdul Qayyum Khan, Maulana Bhashani and Sh Mujibur Rehman were put behind bars. The latter was curiously enough not disqualified under the EBDO but was singled out for trial on charges of corruption. The trial failed. Mujib was acquitted and emerged as a hero to rally the opposition.

22. The Regime, which had had a comparatively smooth period in the earlier stages, began to face opposition at first from the students and then gradually from the politicians. A devastating cyclone and tidal bore ravaged the district of Chittagong in 1960 when General Azam was the Governor of East Pakistan. The personal interest he took to rush relief measures to Chittagong, where he also set up his own temporary headquarters, saved the regime from a serious set back but its scheme of educational reforms or rather the hasty and haphazard implementation thereof, sparked off the first demonstration against General Ayub Khan, in East Pakistan.

23. Nevertheless 1962 was a year of achievements for the first Martial Law. Several great industrial projects were initiated in this year particularly in East Pakistan. The fertilizer factory in Fenchuganj, Sylhet was inaugurated on the 4th February 1962. The Karnaphuli multi-purpose hydel project was switched on by Ayub Khan on the 31st March 1962. The railways were provincialised and the Water and Power Development Authority (Wapda) and the House Building Finance Corporation were bifurcated in July 1962 so that East and West Pakistan should have separate corporations. Indeed in July 1962, East Pakistan was actually given more than a half share in the central taxes under the Revenue and Consolidation and Repayment of Loans Order, 1962.

24. With these achievements to his credit, Field Marshal Ayub Khan may well have felt that he had built up the necessary infra-structure "for running a free society with stable government and sound administration" and that the time was ripe for him to redeem his pledge to "restore democracy" of the type suited to the genius of the people. His calculations were, however, falsified, for, he was misled into this belief by the apparent lack of opposition to his schemes, which had been brought about by his own suppression of all elements that could offer such opposition.

5

POLITICAL HISTORY OF PAKISTAN FROM JUNE 7, 1962 TO MARCH 24, 1969

1. The new Constitution came into force on the 8th of June, 1962, but as soon as it was put into operation a countrywide campaign was set on foot under the leadership of the former Prime Minister, Mr H.S. Suhrawardy. It was bitterly attacked as a retrograde step designed for perpetuating the Field Marshal's power. All its basic principles were challenged. There was a general clamour for the restoration of the political parties, the re-introduction of a direct system of elections of the legislatures and the re-establishment of the fundamental rights of the citizens.
2. The opposition was at first ruthlessly suppressed and Mr Suhrawardy was taken into custody. There was great resentment against this move, particularly in the student community in East Pakistan, which launched an agitation against the educational reforms and the new University Ordinances promulgated in June 1961. The students came into clash with the agencies of law and order and firing had to be resorted to. This only gave further momentum to the movement and it spilled over to West Pakistan. A general strike was called by students in East Pakistan for the 17th of September, 1962, against the Education Commission's reforms and in particular against the three-year pass degree course. This call was taken up in West Pakistan also and the tempo of the student unrest assumed such serious proportions that the government had ultimately to yield and virtually withdraw the three-year course, although officially it was only held in abeyance.
3. With the promulgation of the Constitution it was furthermore soon realised that the constitutional machinery, no matter what its form or shape, could not work without political parties. On the 14th of July, 1962, therefore, a Political Parties Act was passed allowing Political Parties to function but with many restrictions. Notwithstanding these restrictions, the political parties began to reappear, particularly, since the Field Marshal himself had decided to establish a political party of his own, called the Convention Muslim League.
4. The political agitation against the constitution continued to gather further momentum with the emergence of the political parties and the Government was compelled in 1963 to re-introduce fundamental rights, give power to the High Courts for the issuance of writs and to empower them to exercise the right of judicial review of executive acts. The political opposition was, however, mainly spearheaded by the students, as the former political leaders, who were still under disqualification under the Elective Bodies (Disqualification) Order, were not in a position to openly lead the movement.
5. Under the Constitution the Field Marshal had been nominated as the first President up to March 1965, and the Old Legislatures had been continued in office until the next elections. The opposition, therefore, awaited with

great interest the first election of the Basic Democrats under the Constitution, for, they were to form the electoral college for the election of the President and the Assemblies. As many as 90 per cent of the registered voters voted in East Pakistan and 75 per cent in West Pakistan. The real excitement, however, started with the election for the President. All the opposition parties now emerged and joined together to set up Mohtarma Fatima Jinnah, the sister of the founder of Pakistan, as a rival candidate to Field Marshal Ayub Khan. She had the support of the intelligentsia and students as well. Feelings ran high during the election campaign and frequent clashes occurred between the police and the students at Dacca, Karachi, Lahore and Peshawar from the date of the first Confrontation Meeting, namely, the 10th of December, 1964. Serious disturbances took place on the 11th of December, 1964, at Peshawar University Campus between the police and the students. The situation became tense throughout the country and the government appointed a Commission to enquire into the students problems.

6. The Awami League, led by Sh Mujibur Rahman, took a very prominent part in the opposition against Field Marshal Ayub Khan, but when the results were announced the people were surprised to find that the Field Marshal had been declared elected by a majority of 21,260 votes, although the popular estimate was that Mohtarma Fatima Jinnah had received the solid support of all urban areas. People suspected foul-play and charged that elections had been rigged. As a result they took no further interest in the elections of the National and Provincial Assemblies in which the convention Muslim League managed to secure a thumping majority. Field Marshal Ayub Khan was sworn in for a second term of office as President on the 23rd of March, 1965, and was set for another period of rule with a more than comfortable majority in the Legislature.

7. It is significant to note that it was during these elections that Sh Mujibur Rahman in June 1964 released his Awami League election manifesto calling for "two economies" and a Constitution based on his interpretation of the Lahore Resolution of 1940, which he claimed envisaged two sovereign independent States. It is further alleged that the defeat suffered by the combined opposition in the Presidential elections, led by Sheikh and some others in East Pakistan, forced them to think also of more extreme measures for realising the demand of autonomy for East Pakistan.

8. With his overwhelming majority the Field Marshal was looking forward to another period of progress and stability but his plans received a serious setback by the treacherous attack made by India on the Pakistan Post of Kanjar Kot in the Rann of Katch on the 13th of April, 1965. Although India had thrown in more than 20,000 troops into the disputed territory as also landed para-troopers around Biar Bet, our troops stoutly held their ground until ceasefire was effected on the 30th of June, 1965 with the UN help and the dispute was submitted to arbitration before an International Tribunal. The peace was, however, short-lived, for, on the 24th of August, 1965, the Indians shelled Awan village in Gujrat district and on the 30th of August attacked the village of Pir Sahaba in Azad Kashmir. In retaliation, the Azad Kashmir forces, supported by the Pakistan Army, crossed the Ceasefire Line, captured Chamb and Jurrian and threatened Akhnoor well inside Occupied Kashmir. They were only six miles away from Akhnoor when in the early hours of the 6th of September India launched another treacherous attack along the international borders of West Pakistan. India and Pakistan were locked in a deadly and bitter war all along the West Pakistan border for 17 days, until ceasefire was brought about by the intervention of the great powers on the 23rd of September, 1965.

9. During this war East Pakistan found itself completely isolated from the West and at the mercy of India with only one division of troops and two air squadrons to defend her. The theory of the defence of the East lying in the West was thoroughly exploded and had not China declared India an "outright aggressor" and called upon her to dismantle her military installations on the Sikkim border, it is believed, that India would have attacked East Pakistan too. Her planes actually raided Dacca and the neighbouring areas on the 6th September but our valiant Air Force made a daring surprising attack on the Indian air base at Kalaikunda and destroyed a large number of Indian planes on the ground. No further attempt was made thereafter by India to create any trouble on the East front.

10. Notwithstanding this sense of isolation there was no lack of patriotism in the people of East Pakistan. They stood solidly behind the Nation as one man and their only regret was that they had had no opportunity of fighting the enemy shoulder to shoulder with their brethren in the West. The East Bengal Regiment fought a valiant battle at Khem Karan and East Pakistani pilots in the Airforce won the Nation's esteem by their daring deeds. There was no question of secession even up to this stage. The Nation was one and every East Pakistani would have gladly laid down his life for the defence of his country. The sense of frustration, however, deepened after the war by the realization that in a crisis the West would not be able to come to its rescue and East Pakistan would be left to fend for itself.

11. The United States and Soviet Russia took keen interest in bringing about peace between India and Pakistan. The Prime Minister of Russia, Mr Kosygin, invited both President Ayub Khan and Prime Minister Shastri for peace talks at Tashkent, which culminated in the Tashkent Declaration of the 10th of January, 1966. Under the agreement reached at Tashkent, both India and Pakistan withdrew their forces from the areas occupied by them during the war, in the others' territory, but the agreement proved unpopular within the country and even the then Foreign Minister, Mr Z.A. Bhutto, joined in the resentment by resigning from the Cabinet on the 8th of July, 1966.

12. The resentment against the Tashkent Declaration gave another opportunity to the opposition parties to muster strength to condemn the government. A conference of all the opposition parties was convened by Nawabzada Nasrullah Khan at Lahore on the 5th of February, 1966, and it was at this conference that Sheikh Mujibur Rahman for the first time put forward his "Six Points" and demanded full regional autonomy for East Pakistan. This caused a rift in the opposition itself and its efforts to mount an agitation for the restoration of democracy fizzled out. Most of the opposition leaders, including Sheikh Mujibur Rahman, were arrested, under the powers derived from laws made to enforce the emergency declared on the 1st of September, 1965.

13. As to how these Six Points came to be formulated or who formulated them the evidence is somewhat conflicting. Most people are of the view that Sheikh Mujibur Rahman himself did not possess the necessary intelligence to formulate them. Mr Nurul Amin thinks they were inspired by some foreign power. Some others think that they were drafted by a group of East Pakistani CSP officers and a bank official. One witness, A K Rafiqul Hussain, however, (No.159) actually charged Mr Altaf Gauhar with being the author of the draft of the Six Points, which he alleged was sent to Sheikh Mujibur Rahman through the above mentioned Bank official. This witness also charged that this was done at the instance of Ayub Khan himself because he wanted to utilize Sheikh Mujibur Rahman to wreck the All Parties Conference called by Nawabzada Nasrullah Khan. Mr Altaf Gauhar denies that he had any hand in this. The witness Rafiqul Hussain came to know of it just a little before the Conference when Sheikh Mujibur Rahman handed over a copy of this to Manik Mian, the editor of Ittefaq, who was also a member of the Awami League. Be that as it may, the fact remains that the "Six Points" came into being just before this conference.

14. It has also to be mentioned here that with the coming into force of the new Constitution, changes in the governorships of the Provinces had also taken place. The Nawab of Kalabagh was appointed Governor of West Pakistan and Mr Monem Khan of East Pakistan. The former did not believe in democracy and the latter was an extremely unpopular figure in East Pakistan, but both ruled with such ruthlessness that the image of the Field Marshal's regime was considerably tarnished. They freely arrested political leaders, closed down newspapers and even forfeited presses. Their actions in no way helped to relax the mounting tension in the country.

15. Another factor which gave rise to considerable dissatisfaction at this stage was the part played by the sons of the Field Marshal themselves. They not only interfered with the day-to-day administration of the country but sought also to utilise their position for obtaining undue personal advantages for themselves. One of them was elected as a member of the National Assembly and even aspired to become an industrial magnate under the patronage of his father.

16. Apart from this, the rapid pace of industrial development of the country resulted in an unequal distribution of wealth. The wealth of the country gradually accumulated into the hands of a few families of West Pakistan. It was generally alleged that all the wealth of the country was concentrated in the hands of some 22 families in West Pakistan. Apparently, therefore, prosperity and development was more rapid in West Pakistan. The East Pakistanis dubbed them as exploiters of East Pakistan and built up their main propaganda of hatred of West Pakistanis on the basis of this economic disparity, combined with the fact that the Field Marshal ruled with the support of the Army consisting mainly of West Pakistanis.

17. Although Martial Law had avowedly come in to end corruption it is paradoxical that during the Constitutional regime of Ayub Khan, corruption increased at an alarming rate. The Basic Democracy System, it was said, had spread corruption into every nook and corner of the country. The government itself, it was further alleged connived at, if not, actually encouraged their corruption for they formed the Electoral College for the election of the President himself. They openly sold their votes to the highest bidder. The Field Marshal's policy of appeasement of the Army by giving them lands, increased pay and pension benefits and other venues of employment after retirement also tended to create a feeling of resentment.

18. All these factors had contributed to build up the opposition against the regime and the country was seething with discontentment when Mr Z.A. Bhutto formed his Peoples Party in 1967 and joined in the agitation against the Field Marshal. The opposition, at first was mainly directed against the tyranny of the Governors of the two Provinces and abuse of the powers under the emergency. The political parties launched an agitation for the lifting of the emergency and four of the major parties formed a combined opposition under the name of the United National Command. The Peoples Party led by Mr Bhutto did not join this Command but continued its agitation separately for the restoration of democracy and more equitable distribution of wealth. The government, however, remained adamant. The political leaders, including Mr Bhutto, were arrested and with its majority in the National Assembly the government actually procured a resolution for the continuance of the state of emergency in Pakistan.

19. At this stage differences arose between the Nawab of Kalabagh and the Field Marshal, as a result of which the Nawab resigned and General Muhammad Musa, the then Commander-in-Chief, was appointed Governor in his place. General Yahya Khan was promoted as Commander-in-Chief. General Musa released a number of political detainees and took some other conciliatory measures by pardoning the Mari, Bugti and Mengal tribes of Quetta and Kalat divisions and restoring the Sardaris of their families.

20. In East Pakistan, however, Monem Khan continued his repressive measures. Sheikh Mujibur Rahman along with 35 others were charged with a conspiracy to separate East Pakistan by a violent rebellion. The trial known as the Agartala Conspiracy Case opened in June, 1968. The agitation in West Pakistan also, in spite of the conciliatory measures taken by General Musa, continued to gather momentum and assumed serious proportions in November 1968. Almost every section of society joined the revolt. Lawyers, doctors, students all started coming out in processions, abusing the Field Marshal and demanding his resignation. The Field Marshal himself was fired upon at Peshawar while addressing a meeting. All efforts to suppress the agitation having failed, the government at last released all political detainees and invited the opposition leaders to a Round Table Conference to be held at Rawalpindi. The political parties, which had now formed a Direct Action Committee, demanded the lifting of the emergency as a condition precedent to the acceptance of the invitation to attend the Conference and continued their agitation. A countrywide strike was called for on the 14th of February, 1969. Many processions were taken out on this day, which came into clash with the police and many people were injured. Mr Bhutto also, whilst still under imprisonment, went on hunger strike for the immediate lifting of the emergency. This was at last done on the 17th of February, 1969, and as a result thereof Mr Bhutto was freed.

21. The DAC now agreed to attend the Round Table Conference but the Peoples Party, the Awami League and the National Awami Party refused to attend the conference. Pre-Conference parleys held on the 19th

February ended in a deadlock. The DAC then demanded that Sheikh Mujibur Rahman should also be brought to the Conference Table. The Sheikh at first agreed to come on parole but in the meantime another incident occurred. One of the accused in the Agartala Conspiracy Case was shot dead on the allegation that he was trying to escape. When his dead body was made over to his relatives it was taken away in procession. The mob joined in and feelings ran so high that serious disturbances took place on the 19th of February, throughout East Pakistan. The police had to open fire in Dacca, Kushtia and Noakhali resulting in the death of nine persons and injuries to 51 others. Sheikh Mujibur Rahman refused to attend the Conference unless the case was withdrawn. On the 21st of February, Field Marshal Ayub Khan announced his decision not to contest the next elections for the Presidentship and on the 22nd, the Ordinance setting up the Tribunal to try the case against Sheikh Mujibur Rahman and his co-accused was repealed, with the result that the Sheikh was a freeman, although neither acquitted nor discharged. The Sheikh attended the Conference at which the Field Marshal agreed to introduce the parliamentary system of government, to have the assemblies elected directly and to hold elections on the basis of adult franchise. Nawabzada Nasrullah Khan dissolved the Direct Action Committee but the Sheikh dissociated himself from the combined opposition on the ground that it had not supported his demand for regional autonomy and the break up of the One-Unit.

22. Field Marshal Ayub Khan, also replaced his Governors. The agitation, however, continued in East Pakistan and between the 10th and 20th of March, 39 persons were killed in Dacca and many cases of arson and looting took place.

23. The appointment of the new Governors had, as was expected, relaxed the tension somewhat and the movement was beginning to subside when suddenly on the 25th of March, 1969 the Field Marshal announced that he had relinquished his office and handed over power to the Commander in Chief, General Agha Muhammad Yahya Khan. Thus ended the second republic and the rule of Ayub Khan. It was a period of comparative stability and considerable development in all fields even in East Pakistan. It was a period during which Pakistan had grown in no small measure in stature and acquired prestige amongst the Nations of the World but unfortunately lacked political maturity. If only the Field Marshal had not been so obsessed with his notions of benevolent oligarchy and had shown more political sagacity by allowing the people a real sense of participation in his government, the history of this unfortunate country might well have been different. Instead of concentrating all power in himself if only he had shared it with the people, he would have down in history as the greatest soldier statesman of this country. Some think that his serious illness in January 1969 had sapped his will and undermined his determination to rule but this aspect of the matter we propose to examine in the next chapter when considering whether any undue advantage was taken of his illness by anyone.

6

CLOSING PHASE OF THE AYUB REGIME

In the last few days of January 1968 the then President of Pakistan Field Marshal Mohammad Ayub Khan, fell ill. Although it was not publicly so announced, he had had in fact an extremely severe heart attack and was for some time entirely unable to speak, much less to attend to his duties. The world at large was then informed merely that he had suffered an attack of influenza.

2. It has been suggested that from the moment the President became ill and therefore incapacitated, at least temporarily, General Agha Mohammad Yahya Khan, then Commander-in-Chief of the Pakistan Army, virtually took over control of the President's House. The President ceased to be accessible to the Secretaries and the Ministers and even to his Adviser, who was otherwise very close to the President and through whom, till then most decisions of the President were communicated. The implication is that the President, being to start with unable physically to function, his position even after his recovery deteriorated to little better than that of a figure head. This position continued, more or less, till the time when General Yahya openly took over the government by proclaiming Martial Law on 25th of March, 1969 and designating himself Chief Martial Law Administrator and subsequently President.

3. Now this would, if true, be indeed a startling state of affairs. The political commotion, which ultimately resulted in the Field Marshal abdicating, if that term may be properly employed, came somewhat later, though of course it may be possible for a student of politics to discern even at this time signs of unrest and the shape of things to come. It might be equally true to say that the Field Marshal's illness initiated or gave impetus to a political uprising which perhaps in any case had to come. Other factors, however, also contributed to this as we shall see. Nevertheless, at least upon the surface, the Constitutional government was in power and was carrying on the normal administration in the country and if indeed the Field Marshal was unable due to illness to perform the function of his office, then the Constitution did provide that the Speaker should temporarily assume to himself the powers of the President. If the President was indeed incapacitated due to physical or mental infirmity he could be removed by a resolution of the Assembly (but this was, as is only proper, a somewhat lengthy process entailing medical examination) and after such a resolution the Speaker would step in temporarily and certain constitutional steps would then have to be taken to fill up the place permanently. Of course the expression "physical or mental incapacity" in the Constitution of 1962, as in other similar constitutional provisions, does not and cannot mean that every time the President is ill, even so ill as to be confined to bed, he has necessarily to step down from office. Nor does it even mean that if, for a comparatively short period like a day or two, he was in a state of unconsciousness or coma (as we are told that the Field Marshal was) such steps were either needed or justified. It does, however, mean that if the

President is suffering from any illness which is serious enough to handicap his working and to make him incapacitated either for a long time or for an unforeseeable period of time, then the proper steps in the constitution would have to be taken.

4. Viewed in either context, therefore, namely, 1) that the President was critically ill for too short a time to invoke the Constitutional provisions, or 2) that he was in fact incapacitated within the meaning of the constitution, the stepping in of the Commander-in-Chief by controlling the President's House and therefore, running the government of the country, would be an extremely serious step in violation of the Constitution. If indeed, General Yahya had done, what he is alleged to have done at this stage, he should at least be guilty of grave impropriety. In the light of the events which later occurred such conduct on his part would, in any case, have a strong bearing upon his good faith when in fact he took over the government of the country subsequently. It is, therefore, necessary to examine carefully the evidence on this particular allegation.

5. The witness who gives strong testimony on this point is Mr Altaf Gauhar who was, at that time, the Information Secretary. Mr Altaf Gauhar is a civil servant of great experience and, we think, of considerable ability. In addition to this he was, perhaps for these very qualities, greatly trusted by the Field Marshal. We have the evidence of various people, who were certainly in a position to know, that he enjoyed a position of peculiar confidence with the then President. Indeed General Yahya in his evidence said about him that at the material time in the eyes of Field Marshal Ayub Khan, Altaf Gauhar could do no wrong. An allegation of this kind, therefore, coming from a person of the category of Altaf Gauhar calls for serious consideration. According to Mr Altaf Gauhar, he was in Dacca at that time and the last time he had seen the President was on the 28th January, 1968, as a healthy man. In Dacca Altaf Gauhar was informed that the President's broadcast, which was a regular first of the month feature, was to be postponed and he was told that this was due to some throat trouble that the President had developed. He, therefore, kept to his programme and returned from Dacca on the 3rd or 4th February. Arriving back in Pindi he was told by the Public Relations Officer to the President, who was an officer of the Ministry of Information, that the President was quite seriously ill. Naturally his first reaction was to rush to the President's House but he could not do so because his own daughter had hurt herself and he wanted to see a doctor about her treatment. Going to the President's House next day, he found the main gate barred and was told by the gate guard that nobody was allowed in. Mr Altaf Gauhar spoke to his Minister, namely, Kh Shahabuddin and through him to Mr Fida Hassan, Adviser to the President.

6. In order to understand why speaking to Mr Fida Hassan was regarded as important it is necessary to digress a little and explain what Mr Fida Hassan's status was. He was Principal Secretary to the President from June 1966 but before the time that we are speaking of the President had come to lean upon him so greatly that he desired to give him Cabinet rank. As to this, Mr Fida Hassan asserts (and we have no reason to believe to the contrary) that he was at no time a Political Adviser to the President but that he was merely what could be described (without meaning to detract from his status) as a kind of Personal Assistant with the emphasis strongly upon the word "Personal". However, it was felt that his elevation to Cabinet status might be regarded as having a political meaning or result in drawing Mr Fida Hassan into the vortex of politics which apparently it was the desire neither of the President nor of Mr Fida Hassan to do. He was, therefore, given the status of an Adviser. It would be seen, therefore, that Mr Altaf Gauhar's telephone to Mr Fida Hassan or, rather requesting his own Minister to do so was really an attempt to reach somebody close enough to the President in a personal sense to obtain authentic information of the condition of the President and of the reason perhaps why the President's House was becoming a kind of prohibited area.

7. Despite, however, contacting Mr Fida Hassan on the telephone and Admiral A.R.Khan, who was then Home Minister and Defence Minister, Altaf Gauhar got the impression that nobody knew the exact condition of the President. Mr Altaf Gauhar was insistent that the people should be informed about the condition of the President and some health bulletin should be issued, and upon that he was taken ultimately to the President's House where

the Personal Physician to the President gave him a bulletin that could be broadcast; this bulletin stated that the President was suffering from cold and fever. A few days later, however, Mr Altaf Gauhar was summoned to the presence of the President himself whom he found lying in bed with a glass of orange juice in his hand and accordingly Mr Altaf Gauhar returned feeling relieved and re-assured. Nevertheless, Mr Altaf Gauhar states that from his conversation with the Personal Physician to the President and members of the President's family he gathered that the only person who had access to the President during these days was the Commander-in-Chief. This meeting between the President and Mr Altaf Gauhar was between the 5th and the 10th of February. A few days later at about mid-night the Personal Physician telephoned Mr Altaf Gauhar and told him that the meeting which he (Altaf Gauhar) had arranged between the President and the Governor of West Pakistan should be put off, as the President was unwell; the witness took this to mean that the President had had a relapse. After the relapse the condition of the President became critical and it appeared that his recovery would take a long time. Accordingly, Mr Altaf Gauhar sent a note to Mr Fida Hassan stating that people were making allegations and demanding that the constitutional provisions for the appointment of the Speaker as Acting President should be implemented. There was no response to this note and Mr Altaf Gauhar alleges that not only the President was inaccessible but, by this time, even Mr Fida Hassan had ceased to be available.

Eventually, however, the Information Minister managed to get in touch with the Adviser and suggested that, since the country was facing a serious situation, the Cabinet should meet to discuss the matter. As a result a Cabinet meeting was convened and was presided over by Kh Shahabuddin, but having met, it dispersed without doing any real business and everybody was told that the President was now "in good shape". Kh Shahabuddin suggested that the Cabinet should meet every Wednesday as usual but nobody considered it necessary. Mr Altaf Gauhar asserts that he got the impression that something mysterious was going on behind the scene, of which he had no personal knowledge but which he infers from what has already been stated and from the additional fact that the Ministries, directly responsible for issuing to the public any press note on these very serious matters, namely, the Ministry which he himself headed and the Law Ministry, were not being informed at all. It is on matters like these that he rests his conclusion that the Commander-in-Chief had assumed effective control over the President's House; he states that the only person who had direct access to the President apart from Mr Fida Hassan was the Commander-in-Chief and indeed, to put the matter quite bluntly, what Mr Altaf Gauhar suggest is that from the point of time that the President fell ill, namely, the 28th of January, 1968, until the fall of Ayub Khan on 25th March, 1969, General Yahya Khan dominated the President, acquired effective control of the President's House and was really running the country. He asked us to believe that, not only for the comparatively short period the President was physically incapable of giving any orders himself, he (General Yahya) was in real control but that, even after the President regained a measure of health, he was merely a puppet whose actions were directed by General Yahya alone.

8. This extreme position, however, does not find support from the evidence of other witnesses who had as much opportunity as Mr Altaf Gauhar for judging the condition of the President and what was going on in President's House. Indeed one also must remember that, on his own version, Mr Altaf Gauhar was not in the West wing when the President fell ill and returned to Rawalpindi only on the 3rd or the 4th February. Consequently he is not even a direct witness as to what took place in the first week of Ayub Khan's illness.

9. Mr Fida Hassan has stated that the President was, only for a very short time, completely unable to speak and that he himself (Mr Fida Hassan) was allowed to see the President on the third day of his illness, i.e. probably the 2nd of February. At least from that time onwards the President, although of course weak having suffered a major heart attack, was in full possession of his sense and equal to comprehending intelligently what was said to him and to respond thereto. It is of course quite understandable that, even so, it would be considered desirable not to place before the President any work excepting such as, by reason of its importance and urgency, justified interference with the rest with it was desirable for him to have. A system

then apparently developed, rather than was officially originated, whereby all communications to the President either from a Secretary or a Minister individually or as a result of Cabinet recommendations were sent to the Adviser who then obtained the orders of the President. In itself this was of course nothing new; this was a recognised channel of communication to the President. Nor we are able to see that there was any constitutional impropriety in doing so. The ministers had (and we are of course talking of the period earlier than the illness) direct access to the President who himself presided over Cabinet meetings. It now became usual for the Adviser to obtain the President's orders and write a note stating what the President's decision on the matter was. In some cases, however, perhaps because of legal necessity, the President would initial or sign on a file as for instance in the case of the promulgation of an Ordinance. Mr Fida Hassan himself claims to have seen the President for the first time after his illness on or about 2nd February and the picture which he presents is no doubt of a sick man, weak and in need of rest but one who was fully alert.

10. Another witness who was close to the President and whom we have examined was the then Law Minister Mr S.M. Zafar. He also heard, as did others, of the President's illness and he was summoned to see the President on 30th January, 1968. On this day Mr Zafar did not see anything abnormal in the condition of the President, due regard being had of course to the fact that he had undergone a severe heart attack. Mr Zafar did notice marks on the President's nose which seemed to indicate that oxygen had been administered to him, but the President appeared cheerful and was sipping a glass of orange juice.

11. We have also examined a number of other persons who were Secretaries to the government at that time, e.g Mr Ghiasuddin, Mr Roedad Khan, Mr Riazuddin, and Mr M.H. Soofi, none of these gentlemen painted anywhere near the same sort of picture as Mr Altaf Gauhar.

12. Mr Altaf Gauhar himself virtually contradicts his own assertion when he says in the later part of the deposition that after his recovery the Field Marshal went to England for check up. He had recovered a great deal by the time he came back from England and reverted to normal routine. Now, however, according to Altaf Gauhar his reactions became much slower and he became a less determined man in that if one argued with him sufficiently strongly he would modify his own position. He had not the capacity for quick and firm decision which was earlier one of his strong points. Categorically Mr Altaf Gauhar stated that there was no question of the Field Marshal having quit the scene or even of any body flouting his orders but merely that he had become weaker and less decisive.

13. General Yahya himself was questioned by us as to his conduct immediately after the President's illness. According to him, the first he knew about it was when the then President's daughter, Begum Nasim Aurangzeb, telephoned to the General to tell him about it. The lady addressed General Yahya as "Uncle" and seemed quite distressed. As a consequence General Yahya went to the President's House, spoke to the members of the family and showed his solicitude and anxiety. He was a frequent visitor to the President's House in those days, and he no doubt must have spoken to the President's physician. From this circumstance alone, however, we are unable to draw the sinister inference which Mr Altaf Gauhar has made. General Yahya was a senior, indeed the senior most, officer of the Army and had been closely associated with the Field Marshal whose protege in the army he was. As Commander-in-Chief, the Field Marshal had placed a great deal of reliance on General Yahya who was, at the time when the Field Marshal was appointed Commander-in-Chief, a Brigadier. He relied upon him a great deal in working out and implementing many schemes relating to the Army. As an old colleague, it is obvious that he must have developed a certain amount of family relationship with the President and we can see nothing incongruous in Begum Nasim Aurangzeb telephoning to General Yahya at such a time or in his going to President's House immediately and thereafter frequently. It is also understandable that he must have had some conversation with Colonel Mohiuddin who was the President's Personal Physician and we cannot regard the fact that his physician was an army doctor as a matter designed to facilitate the Commander-in-Chief's hold over the President. Colonel

Mohiuddin had been the President's physician for about six years by that time and, even before his appointment, the Personal Physician to the President had always been an army officer. We think, therefore, that it would be attributing too much to General Yahya on too slender a foundation or even no foundation at all to conclude that no sooner had the Field Marshal fallen ill than he gathered to himself all the reins of power.

14. A little before the President's recovery a conspiracy was unearthed, the object of which was alleged to be the secession of East Pakistan and which has since come to be known as the Agartala Conspiracy, deriving its name from an Indian town near the border. During the course of investigation the persons whose names transpired as conspirators included some members of the defence forces as well as civilians and the question apparently arose whether these should be tried by a Court Martial or otherwise. Clearly persons who were not amenable to the disciplines enforceable against each of the services could not be so tried. Pending a decision on this question the suspects were held in preventive detention, in the list of the persons so held one name, which was to figure prominently later on, was absent namely that of Sheikh Mujibur Rahman. One explanation that has been offered is that there was no evidence at that time to connect him with the crime or, to put it more accurately, in the evidence, till then discovered he was referred to by a code name and it had not till then been discovered that the code name referred to him. When on subsequent investigation this was found to be the case, another notification was issued in which Shaikh Mujib's name did appear. Another explanation that is offered is that Sheikh Mujib was at the time of the earlier notification already in preventive custody and that it was, therefore, unnecessary to pass any fresh order the object of which was solely to keep him in detention; of course as soon as the forms of trial had been decided his name would have had to appear in the list of accused persons just as much as any other person concerned with the crime and it did.

15. Mr S.M. Zafar who was the Law Minister at the time states that he knew nothing about the case until he read the first of these notifications and that he really came into the picture only when the question of the proper forum of trial arose. According to him the Commander-in-Chief was extremely anxious not to permit members of the defence forces to be tried by any but a military tribunal. One might question whether, even by the segregation of the accused belonging to the defence forces, it would have been possible to try them all before one Court Martial, as they did not all belong to the same service. Be that as it may, the choice then was between having at least two separate trials, one before the Court Martial and another before a civilian tribunal, with the obvious consequent risk of conflicting decisions. It is in that connection, we are told, that it became necessary to have frequent conferences with the Commander-in-Chief; that a series of such meetings did take place at GHQ which the Law Minister as well as the Defence Secretary and the President's Adviser attended, admits of no dispute. All the persons concerned have admitted that this in fact happened. We confess that we feel somewhat skeptical of this being the sole or even a sufficient reason for conferences with the Commander-in-Chief. According to General Yahya, even after the trial started, he was constantly consulted and the explanation that he puts forth is that grave questions of military law were involved and it was necessary, therefore, for him to be frequently consulted. Assuming that such questions were indeed involved, it does not seem to us likely, as General Yahya expressly asked us to believe, that the Commander-in-Chief of the army should be expected to be the foremost expert in military law. We should have imagined that the relevant departments of the army namely the Judge Advocate General's department, should have been far more appropriate. In the final result to assist Mr Manzoor Qadir who appeared for the prosecution, Group Captain Aslam was selected; he had a fairly long practice at the bar before he joined the Air Force in which for a long number of years he worked as a Judge Advocate General or in that department.

16. It was eventually decided that a tribunal consisting of Mr Justice S.A. Rahman, a retired Chief Justice of the Supreme Court, Mr Justice M.R. Khan and Mr Justice Maqsumul Hakim sitting judges of the High Court of East Pakistan should try the case. The tribunal accordingly commenced its hearing at Dacca.

17. It is necessary to go back a little and state something of the background of Sheikh Mujib. Sheikh Mujib was a student leader just before Partition and took part as such in the Muslim League movement for the achievement of Pakistan. Subsequently, he became one of the lieutenants of the late Mr H.S. Suhrawardy in the Awami League, which name it acquired after various evolutions in the course of which it was known at first as the Awami Muslim League. What is presently important is to note that in 1966 a convention was called in Lahore to voice an organised opposition to the regime of Field Marshal Ayub Khan, the convener of which was Nawabzada Nasrullah Khan. The convention was attended by Sheikh Mujib and it is here that the famous Six Points programme was first made public. It has been variously suggested that the Six Points were not authored by Sheikh Mujib but in fact by a West Pakistani civil servant and Mr Altaf Gauhar's name has been suggested in this connection. It is unnecessary to go into the question. Suffice it to say that it is quite clear that some civil servants belonging to East Pakistan sympathetic to the idea of East Pakistan attaining a very large measure of autonomy, if not independence do appear to have taken part in this. It is not, we feel, the actual drafting of the words which is important nor can we believe that the leadership in the Awami League or in any case that associated with Sheikh Mujib was so bankrupt in language that it could not draft such a programme without the help of a West Pakistani. What is important is that the idea was conceived before the 1966 convention to which we have referred. Just before the convention a copy of the Six Points had been sent to Mr Nurul Amin, leader of the Pakistan Democratic Party (now Vice President of Pakistan), who showed it to another member of his party, Mr Mahmud Ali (now Presidential Adviser) and both agreed that it contained the seeds of secession which they could not support. Mr Nurul Amin and Mr Mahmud Ali were under the impression that the former alone was the incipient of the copy but they were surprised when at the Convention Sh. Mujib suddenly and to the surprise of everybody, came out with the Six Points, the language being precisely the same as that which had been shown or sent to Mr Nurul Amin earlier in Dacca.

18. It will be useful to reproduce the Six Points as they then stood:-

- Point No. 1:** The constitution should provide for a Federation of Pakistan in its true sense on the basis of the Lahore Resolution, and Parliamentary form of Government with supremacy of Legislature directly elected on the basis of universal adult franchise.
- Point No. 2:** Federal government shall deal with only two subjects, viz; Defence and Foreign Affairs, and all other residuary subjects shall vest in the federating states.
- Point No. 3:**
 - A. Two separate but freely convertible currencies for two wings may be introduced, or
 - B. One currency for the whole country may be maintained. In this case effective constitutional provisions are to be made to stop flight of capital from East to West Pakistan. Separate Banking Reserve is to be made and separate fiscal and monetary policy to be adopted for East Pakistan.
- Point No. 4:** The power of taxation and revenue collection shall vest in the federating units and that the Federal Centre will have no such power. The Federation will have a share in the state taxes for meeting their required expenditure. The Consolidated Federal Fund shall come out of a levy of certain percentage of all state taxes.
- Point No. 5:**
 - i) There shall be two separate accounts for foreign exchange earnings of the two wings.
 - ii) Earnings of East Pakistan shall be under the control of East Pakistan government and that of West Pakistan under the control of West Pakistan government.
 - iii) Foreign exchange requirement of the Federal government shall be met by the two wings either equally or in a ratio to be fixed.
 - iv) Indigenous products shall move free of duty between two wings.
 - v) The Constitution shall empower the unit Governments to establish trade and commercial relations with, set up trade missions in and enter into agreements with, foreign countries.

Point No. 6: The setting up of a militia or a paramilitary force for East Pakistan.
The convention broke up on this question.

19. A movement which was generally against the Ayub regime and the Constitution which had been promulgated by the Field Marshal was after the Tashkent Declaration gradually building up, but not until well after the President's illness did it start really gathering momentum.

20. Now this movement was not the movement of any one particular party nor was there one undisputed leader as its head or even a group of persons who could guide the movement and channel it towards any particular objective. It is true that some prominent politicians were associated with it, of whom particular mention may be made of Mr Z.A.Bhutto, now President of Pakistan, who in September 1967, had started to organise a new party called the Pakistan People's Party. Students, politicians, peasants and workers were all drawn into the movement and hartals and processions became a matter of daily occurrence. There was, however, neither cohesion nor union of object except only that the common demand was the toppling of the Ayub regime and the scrapping of the Constitution which he promulgated in 1962. What was to replace the scheme of things was not a matter of agreement though a broad stream of consensus did seem to emerge that the new set up should be a federal parliamentary structure. The immediately preceding period of little more than a decade seemed to have identified in the minds of the people the presidential system with dictatorship. It was essentially, therefore, a movement of rejection and there were not one or two clear political parties enjoying the confidence of the public and committed to a specific programme in the sense in which the All India National Congress or the All India Muslim League dominated the scene in the pre-independence days, each with its own programme albeit in conflict with each other but agreed upon the concept of total independence of the country. We emphasise this at the moment because it will be seen that when President Ayub Khan finally decided to negotiate with the parties there was not a specific leader or leaders or party or parties who could negotiate a demand or accept terms; in our opinion this was at least a factor which contributed to the manner in which the Round Table Conference, later called, ended. By the time Mr Bhutto was arrested on the 12th of November, 1968, under the provisions of the Defence of Pakistan Rules, he had undoubtedly become the most prominent person in the agitation and it did appear on the surface that he was leading the movement and to a large extent, he was in fact leading it. That the movement continued, however, after his arrest in an indication more of the feelings that had been generated or perhaps induced to come to the surface rather than a continuation of what had been done by Mr Bhutto, though others, till then unknown in the political field, purported to continue his movement. In the Eastern Wing Sheikh Mujibur Rahman was also by now a figure of great political importance though he had not yet attained the stature which later was to be his. Nevertheless, neither Mr Bhutto nor Sheikh Mujibur Rahman were at that time in a position to come to a settlement with the President or with each other or to cry a halt to the street agitation. There is, therefore, justification for the view that instead of calling a Round Table conference the President could have unilaterally made at least the concession to which he was ultimately to agree and then left the rest to be sorted out by usual mechanics of politics which would include electioneering on different programmes. It is easy, however, to be wise after the event and perhaps the Field Marshal cannot appropriately be blamed for deciding instead to talk to the people. If history had taken a different turn perhaps he might equally well have been blamed for taking action even at that late hour still unilaterally and, therefore, dictatorially.

21. Alternatively he could have taken the simple step of saying that, as the people were not satisfied with what he had done, he would proceed to restore the position as it stood immediately before he took over in 1958 but even this would have necessitated a change by constitutional means, that is by using the same National Assembly virtually to enact a new Constitution in the guise of a Constitutional amendment. Under the 1962 Constitution a 2/3 majority was needed and the President's party, namely, the Convention Muslim

League certainly had that much majority. But it is an open question whether that party, not disciplined in the usual mode of political parties and centring around the person of the President himself could have been persuaded to pass an amendment merely because of its loyalty to Ayub Khan when the later was seeking to efface himself from the scene. Perhaps in that event the very thing which bound this party together having disappeared the party, not being wedded to the programme of reverting to the 1956 Constitution, may not have responded; whatever be the merits of these various views as to how the constitutional tangle could be solved, the fact remains that there was the inherent difficulty already referred to in the path of negotiations.

22. Accordingly the Field Marshal decided to call a Round Table Conference of the leaders. At a loss to decide whom to invite he decided to ask Nawabzada Nasrullah Khan, the Convener of the PDM, to choose the persons. Nawabzada Nasrullah Khan issued invitations to leaders of the various parties which had merged into the PDM and also the others who combining with the PDM called themselves the Direct Action Committee, but expressed his inability to invite those who were not members of this organization or rather combination of organizations. Notable among these were Maulana Abdul Hamid Khan Bhashani, leader of the NAP (Bhashani Group) and Mr Z.A.Bhutto, Chairman of Pakistan Peoples Party. On the 17th February, 1969, the emergency was withdrawn with the result that the Defence of Pakistan Rules were no longer in force and those detained under it were released; these included Mr Z.A.Bhutto. The President, therefore, invited Maulana Bhashani and Mr Bhutto, but though neither of them eventually attended, the latter at least asked in what capacity he was called and was duly informed that it was as Chairman of Pakistan Peoples party and not in his individual capacity.

23. On the 17th February, 1969, various important persons invited by Nawabzada Nasrullah Khan did come to Rawalpindi but not to the Conference Table. We think it is only partly true to say that this was by reason of the fact that the DAC had not been able to agree upon all the demands that it would make. The main reason centred round Shaikh Mujibur Rahman.

24. As soon as the President asked Nawabzada Nasrullah Khan to issue invitations to the Round Table conference the question of Shaikh Mujibur Rahman's participation in the Round Table Conference arose. The Shaikh was of course in custody undergoing a trial at Dacca. It having been left to Nawabzada Nasrullah Khan to invite whom he chose the problem of the President was not whether or not to invite Shaikh Mujibur Rahman; the question really was he would come, whether as a free man and, if not, under what degree of restraint. Of course interlinked with this question was also the question whether Shaikh Mujibur Rahman would consent to attend and if so, what degree of restraint he would accept in coming. To start with it was considered sufficient that he should not personally come but that he should be represented by a member of his party in whom he reposed sufficient confidence. The Democratic Action Committee, however, soon insisted that the personal presence of Shaikh Mujibur Rahman was necessary. Mr Mujibur Rahman agreed to come under parole. As we understand the word "parole", it means that a person who is in custody is released for a particular purpose or specified duration of time being bound to return to custody when such purpose was served or such period of time terminated. But we have also been told that he was not coming strictly under parole but under the Army's open custody and this is the version put forward and supported by General Yahya Khan. This expression, it would mean that the persons concerned could come as a free man temporarily able to move about without restriction but constantly accompanied by a military officer. The military officer would have no power to direct him to go to a particular place or refrain from doing so but would have a right to insist that he should accompany him at all times. No sooner this had been agreed to, however, then a demand was made that he must come on bail and to this again, it appears, Shaikh Mujibur Rahman agreed.

25. Two things happened, however, at this stage - one of which at least is not entirely comprehensible. Two ministers of the Central Government, namely, Khawaja Shahabuddin and Admiral A.R.Khan went to Dacca and met the Shaikh. We should have thought that the purpose of these emissaries would have been to persuade the

Shaikh to come to the conference. It has, however, been suggested that the purpose was to dissuade him from coming or at least to dissuade him from coming until he came as a completely free man, without the threat of a trial still hanging over him. It has been pointed out that Admiral Khan was a great personal friend of General Yahya Khan and the suggestion clearly is that General Yahya Khan was interested in escalating the demands of Shaikh Mujibur Rahman at that stage, the eventual purpose being the long and far-sighted one of ensuring that the Round Table Conference did not meet with success. We pass on for the time being.

26. The other event that took place which also may have a distinct bearing upon Shaikh Mujibur Rahman's conduct was that one of the accused persons in the Agartala Conspiracy trial, one Sergeant Zahoorul Haq, was killed on the 17th February, 1969. The official explanation given was that in the morning while returning from the lavatory Sgt. Zahoorul Haq attempted to escape and was killed in an attempt to prevent his escape. There are several matters which make it difficult to accept this explanation. In the first place a stage had already come when the Tribunal was becoming convinced that against some of the accused persons at least there would not be sufficient ground to justify conviction and indeed, immediately before this incident the Prosecutor had agreed to make a statement in Court of the names of the persons against whom he no longer intended to proceed. Sergeant Zahoorul Haq was one of those persons and it must surely have been obvious to counsel for defence that his name was at least likely to figure on this list. Quite apart from the foolhardiness of the attempt to escape, therefore, Sergeant Zahoorul Haq was one of the accused persons who had, at that particular stage the least incentive for making such an attempt. The Army Guards were in any case dealing with an unarmed man and it surely should have been a fairly simple thing for them to have so injured Zahoorul Haq as to prevent his escape without killing him; he could have, for example, been shot in the leg. After he was killed his dead body was made-over to his relations and permitted to be carried in a public procession. The Agartala Conspiracy Trial was not an ordinary criminal case. It was a sensational case which was being given full publicity in the press daily. The trial itself was presided over by a retired Chief Justice of the Country with whom were sitting two Judges of the High Court. Public feelings were already running very high, and in these circumstances it needed no profound political sagacity or administrative experience to realise that the permission to parade the body in such a fashion would lead to disturbances. It did in fact lead to very serious disturbances in the course of which some houses were burnt including that occupied by the Chairman of the Tribunal who was forced to escape barefoot in his pyjamas.

27. In the meantime it had been suggested as we have seen that instead of being released on parole the Shaikh should be released on bail. Government agreed and the Deputy Attorney General was instructed not to oppose the application for bail which would be made on behalf of Shaikh Mujibur Rahman and which would be signed by him.

28. While on the one hand heat was inevitably engendered by this incident, on the other it provided either a reason or an excuse for Shaikh Mujibur Rahman refusing to be released on bail. The very day after Zahoorul Haq's death was the one on which this bail application was to be presented but on the previous evening Shaikh Mujibur Rahman flatly declined to sign the application. We have also been told that in the meantime there was a flurry of telephone calls from Rawalpindi to Begum Mujibur Rahman in Dacca, the calls being made mainly from the telephone of Khan A Sabur, an East Pakistani Minister of Ayub Khan's Cabinet. The evidence on this, however, is vague and yields no satisfactory conclusion.

29. The alternative now was to proceed with the Round Table Conference without Shaikh Mujibur Rahman or to withdraw the case against him. It was decided to withdraw the case but nevertheless, the Law Minister, not wishing to take so final a step, urged the President to withdraw the ordinance setting up the Tribunal which was trying the case instead of withdrawing the case itself. The distinction of course is clear; the withdrawal of the case would have meant the acquittal of Shaikh Mujibur Rahman and as a result, immunity from a fresh prosecution; the withdrawal of the ordinance, on the other hand, merely meant that the Tribunal

would be no longer competent to try Shaikh Mujibur Rahman who himself, however, would continue to be liable to prosecution at any future time. In practical terms, however, at that stage the distinction meant little - in either event Shaikh Mujibur Rahman was no longer facing a trial and completely free to move about.

30. The Round Table Conference eventually met on the 10th of March, 1969. The political parties which were represented were combined under the Democratic Action Committee and the only persons of any consequence who refused to attend were Maulana Abdul Hameed Khan Bhashani and Mr Z.A.Bhutto.

31. In between the two sessions of the Round Table Conference another very curious event took place and this was a meeting between General Yahya Khan and Sheikh Mujibur Rahman at the former's residence. When this fact came out in the evidence for the first time, we were entirely incredulous. We could not find it possible to believe that General Yahya Khan, the Commander-in-Chief of the Army, who had taken no interest in politics and who would, at that time, have no interest in politics should talk with Shaikh Mujibur Rahman who was a politician first and last and with whom we have no reason to believe he had any kind of personal equation. The suggestion was that it was Mr Altaf Gauhar who arranged the meeting and who was present at that time and that General Yahya persuaded Sheikh Mujibur Rahman to believe that if the Round Table Conference failed, he General Yahya, would not agree to the imposition of Martial Law. This was with a view to ensuring that Mujibur Rahman was not deterred from presenting an extreme proposal as he wished by the fear that its non-acceptance would result in Martial Law. Clearly the extreme proposal thought of was the advocacy of Six Points, which was likely to be met with bitter opposition from West Pakistan. If, therefore, Shaikh Mujibur Rahman could be persuaded to insist upon Six Points as a condition for political settlement at the Round Table Conference the Conference was obviously doomed to failure. Whether or not the Six Points were equivalent to a demand for secession is a matter upon which we will enter in more detail later on; at the moment let it suffice to say that it was at least of such a nature that West Pakistani leaders would be justified in believing that it either meant secession or clearly opened the way to it.

32. Subsequently, however, evidence has been so unanimous that such a meeting took place including the evidence of two out of the three principal persons concerned, namely, General Yahya Khan himself and Mr Altaf Gauhar that we are left in no doubt that it occurred. We suffer of course from the handicap that we are not able to obtain, at present, the evidence of Shaikh Mujibur Rahman himself. Mr Altaf Gauhar's version as well as that of General Yahya Khan as to the time and place of this meeting is much the same except that Altaf Gauhar does not admit that he was actually present at the meeting. So far as Altaf Gauhar is concerned the suggestion for a meeting emanated from Field Marshal Ayub Khan himself who wanted Mujibur Rahman to receive a re-assurance from General Yahya Khan that Martial Law was not in the offing. Therefore, Altaf Gauhar was asked to take Mujibur Rahman to General Yahya's house to be re-assured that the Round Table Conference was a genuine effort to achieve political solutions and not merely an exercise which was being undertaken to justify the imposition of Martial Law. The reason why Altaf Gauhar was selected as an intermediary is probably to be found in the fact that he was trusted by President Ayub Khan and had also known Shaikh Mujibur Rahman for a long time by reason of his service in East Pakistan. We refrain from adducing as a possible additional reason the allegation that Altaf Gauhar himself was politically, though calendestinely, associated with Mujibur Rahman and by reason of some common friendship, since we do not think that these matters are clearly established and Altaf Gauhar's selection can be explained even otherwise.

33. General Yahya's own explanation as to why Mujibur Rahman was asked to see him was somewhat different. According to General Yahya, Sheikh Mujibur Rahman was in fact grovelling for mercy and could be persuaded to do almost anything. General Yahya Khan said that the Field Marshal believed that the army had a special equation with Shaikh Mujibur Rahman and that the Field Marshal was probably right in thinking so inasmuch, as during his trial for the Agartala Conspiracy, Mujibur Rahman had been in army custody and the army had been particularly nice to him. Accordingly, to use General Yahya's own language,

Mujibur Rahman was asked to see General Yahya in order that the latter "might read the Riot Act to him." In other words, the interview was for the purpose of seeing to it that Mujibur Rahman was in a sufficiently amenable frame of mind when he attended the Round Table Conference. We are not impressed by this explanation. So far from being amenable, Sheikh Mujibur Rahman's attitude at the Round Table Conference was harder after he met General Yahya Khan. His custody in the Agartala case by the Army could hardly have had the effect of endearing the army to him. At any rate we cannot see how this endearment should have extended to General Yahya Khan personally. If indeed that was the real explanation one might have expected that some officer, who had had the custody of Mujibur Rahman or who had personally seen to it that Mujibur Rahman enjoyed some conveniences and comforts and by whom, therefore, Mujibur Rahman was favourably impressed, would have been called from Dacca for the purpose.

34. We have had a fair degree of evidence by now of Mujibur Rahman's utterances during and after the Round Table Conference which would throw some light upon what General Yahya told him that night. While the Conference was in progress it was suggested to Mujibur Rahman that it was difficult at a conference of this kind that all the parties should be unanimous upon each detail, nor was that necessary for achieving the object of a conference of the nature of the Round Table Conference. It was suggested to him that a large measure of unanimity having been achieved upon major points and the Field Marshal having agreed that he would not in any case continue after the agreed measures had been enacted into the Constitution, the wiser course would be to accept what was given and to allow the other issues to be worked out in the normal political manner and in the absence of both Ayub Khan and the original 1962 Constitution. It was further suggested that this was a golden opportunity not to be lost and that rejecting this proposal might provoke the imposition of Martial Law with all its consequences. To this, Mujibur Rahman is said to have answered that he did not fear Martial Law. Now of course this expression is capable of two meanings. It might mean (in the absence of the background to which we have referred and without the advantage of hindsight which we now have, we would have agreed that it did mean) that the Shaikh was not to be deterred from what he felt was the right path, by threats of Martial Law. On the other hand it could mean (and with this background we are inclined to believe it did mean) that the Shaikh had no fear or reason to believe that Martial Law would actually come. Later after Martial Law had been imposed Shaikh Mujibur Rahman in fact did say that he had been led to believe that Martial law would not in any case be imposed.

35. With this attitude of Mujibur Rahman and his insistence on a programme which would necessarily meet with opposition at least from some sections of West Pakistan politicians, the result of the Round Table Conference was a foregone conclusion. Indeed Field Marshal Ayub Khan in his final broadcast to the nation obliquely suggested as much when he said "some people suggested to me that if all these demands were accepted, peace would be restored in the country. I asked them in which country? For the acceptance of these demands would have spelled the liquidation of Pakistan."

36. It has been suggested that the situation could yet have been saved by the Field Marshal if he had accepted the agreed demands for which in fact the draft amendments were made ready without conceding so extreme a measure even orally. We are prima facie inclined to agree with this view but do not consider it necessary for our purposes to arrive at any final finding because the motive or the wisdom of all the steps which Field Marshal Ayub Khan took or might have taken are not directly an issue before us and relevant only to the extent that they have a bearing on General Yahya's own intentions.

37. The Round Table Conference ended on the 13th of March, 1969. The Field Marshal had already earlier announced his intention not to continue as President after the amendments had been adopted. The parties had been invited to send any other proposals for constitutional amendment without of course it being agreed that they would be accepted. The two Governors were replaced. The Governor of East Pakistan had already become an extremely unpopular person, partly, due to his own unacceptability in that province and partly as

representing Field Marshal Ayub Khan. The Governor in West Pakistan had also by and large not proved effective. On the 17th of March, 1969, Mr Yusuf Haroon was appointed Governor of West Pakistan and on the 22nd, Dr M N Huda, in East Pakistan. Apparently some cooling of tempers had been taken place though upon this point there is a divergence. Some believe that the Governors had been in office for too short a time for anybody to say that the change had diminished the tempo of feelings while others think that the mere fact that they had been appointed or rather that the old ones had been removed, was itself sufficient to lower passions. One cannot help feeling at any rate that the time had not come on the 25th of March, when any desperate measures were called for.

38. RTC ended, therefore, on a note of agreement only on two points, namely that the form of government be changed to a federal parliamentary one and that the elections should thenceforth be held upon the basis of direct adult franchise. The President also said that he would be willing to make any other amendments upon which there was unanimity or an agreed decision. It is hardly to be expected that any other decision could, therefore, be reached by the DAC to say nothing of the fact that neither Mr Bhashani nor Mr Bhutto were parties to this agreement and that in any event Shaikh Mujibur Rahman still wanted his Six Points to be incorporated into the Constitution. Indeed among the constitutional amendment proposals which were then received was one sent by Sheikh Mujibur Rahman and, after receiving it, the President is reported to have despaired of a constitutional solution.

39. On the 20th of March, 1969, at a press conference addressed by the then Law Minister the constitutional amendments intended to be made were announced to the public. Indeed we are told that it was intended at this conference also to announce a date somewhere in April when the National Assembly would meet to take these amendments in hand. For some mysterious reasons, however, which we have not been able to discover, even while he was addressing the press conference the Law Minister was instructed on the telephone to withhold this particular announcement.

40. It has been said that the RTC was a failure. It certainly was not an unmitigated success. But we wonder whether, upon a cooler appreciation of the events, the term "failure" can really be attached to the conference. For reasons which we have already stated it would have been optimistic indeed to expect that the RTC would attain complete unanimity. Two important leaders were anyhow outside the negotiations. In these circumstances the two major changes agreed upon could hardly be regarded as an insignificant matter. Indeed it may well be that that was the maximum agreement that could be expected to be reached. Nations do not exist on unanimity and difference of views is an essential part of democracy. The agreement reached was sufficient to start a new chapter.

41. Nevertheless since the law and order situation had deteriorated badly one cannot dispute the wisdom of the then President considering the desirability of calling upon the army to act in aid of the civil power and he accordingly asked General Yahya whether he would be ready to do so. Now it is necessary before we proceed any further to understand clearly what is the meaning of the expression "Martial Law." In itself, Martial Law is really no law at all, but merely a conventional way of stating that the military commander's will is supreme. It has no application, in law, within the country and has meaning only in the event of the military occupation of a country by an alien force. It is not and never has been the legal duty of the army to substitute for the government the supremacy of its own "will" over the people. Its duty on the contrary is to come to the aid of the government itself when called upon to do so in such areas and for such time that it may be required. In the examples of so-called Martial Law imposed in undivided India or in Pakistan before the year 1958 the civil government was not displaced and indeed Martial Law had been ordered by the civil government. The army was doing its duty by assisting the civil government when the latter's ordinary machinery had failed in any particular place and these cases have been regularised either in anticipation or retrospectively by due legislation. What occurred in 1958 was that the government was displaced entirely by

Army rule. It was nothing more and nothing less than military rule. Indeed Field Marshal Ayub Khan who headed the administration of the first Martial Law agreed with us that both in 1958 and 1965 what was imposed was military rule.

42. It is a common misconception, particularly in the army, and, we think, developed only after 1958 that Martial Law can always be imposed by a military officer in the area in which he is in command. In other words whenever a military commander, however low ranking, finds that the ordinary government cannot be carried on within the area in his command, he has under some law which has authority superior to the Constitution, both the right and the obligation to impose Martial Law. General Yahya in his evidence was strongly of this view. Successive exposure to Martial Law has blurred even in the minds of non-soldiers, the definition of Martial Law.

The whole question has been examined at great length and authoritatively in the recent celebrated judgement of the Supreme Court in Asma Jilani's case and we venture to quote some passages therefrom:-

"Martial law, in the present times in England, has acquired various senses. In its original sense it is perhaps now only identifiable in the law relating to the enforcement of discipline in the forces at home and abroad. In this sense this branch of Martial Law is now better known as 'military law' and is in time of peace enforced under various statutes, such as the Army Act, the Navy Act and the Air Force Act. It derives its authority from these statutes passed by the civil law-making bodies. In international law Martial Law means the powers of a military commander in war time in enemy territory as part of the *jus belli*. In this sense as the Duke of Wellington once said in the House of Lords it is "neither more nor less than the will of the General who commands the army." (Hansard, Vol. CXV, Col. 880). Can Martial Law in this form be exercised within the country? The position in England today, as mentioned in Halsbury's Laws of England, Vol. 7, Third Edition, page 260, is as follows:-

"The crown may not issue commissions in time of peace to try civilians by martial law; but when a state of actual war, or of insurrection riot, or rebellion amounting to war, exists, the crown and its officers may use the amount of force necessary in the circumstances to restore order, and this use of force is sometimes termed martial law. When once this state of actual war exists the civil courts have no authority to call in question the actions of the military authorities; but it is for the civil courts to decide, if their jurisdiction is involved, whether a state of war exists which justified the application of Martial Law. The powers, such as they are, of the military authorities cease and those of the Civil Courts are resumed ipso facto with the termination of the state of war; and, in the absence of an Act of Indemnity the civil courts may inquire into the legality of anything done during the state of war; even if there is an Act of indemnity couched in the usual terms, malicious acts will not be protected." Under the Constitution of France, however, there is procedure available for a 'declaration of a State of Siege,' under which the authority vested in the civil power, for the maintenance of order and police passes entirely to the army (*autorite militaire*), in consequence of tumult or insurrection in any part of the country. On the proclamation of such a stage of siege the constitutional guarantees become suspended and the government of the affected area is temporarily placed under the control of the military. "Martial Law" in this sense, namely, the suspension of the ordinary law and the temporary government of a country or a part of it by the military is according to A V Dicey (*Vide law of the Constitution*, page 267), "utterly unknown to the law of England," for, it has nothing equivalent to the French 'declaration of State of siege.' This does not, however, exclude the possibility of the armed forces being employed, even under the laws of England, for the suppression of riots, insurrection and rebellion, but in this sense, according to Dicey, Martial Law is just "a name for the common law right of the Crown and its servants to use force by force in the case of invasion insurrection, riot or generally of any violent resistance to the law." He considers this right to be

essential to the very existence of orderly government "and, as being as such most assuredly recognised in the most ample manner by the law of England." This right has, however, according to him, "no special connection with the existence of an armed force," but pertains to the right of the Crown to put down breaches of peace for which purpose he may call upon any subject, whether civilian or soldier, to assist "as a matter of legal duty." So far as England is concerned, no occasion has arisen to enforce even this type of common law martial law in the country since the civil war of the Seventeenth century, but Martial Law has been enforced in this form during the past century in South Africa, Southern Ireland, Palestine and part of British India. Nevertheless, even in such cases the degree of freedom given to the military to exercise force has varied with the circumstances of each case. The test of interference always has been the necessity of performing the duty of repelling force and restoring order. In exceptional circumstances, the military may in such eventualities also find it necessary to set up Military Tribunals to try civilians and offenders may even be condemned to death but in every case the action taken has to be judged by the test necessity. The Tribunals so set up are neither judicial bodies nor Courts Martial under the Army, Navy or the Air force Acts but are merely bodies set up to advise the Military Commander as to the action he should take.

The English courts also maintain that it is not the proclamation of Martial Law which justifies the use of force but rather the events which have created a situation in which the use of force in this form has become justified. Blackstone in his Commentaries, Vol. 1, page 381, describes this kind of Martial Law "only as temporary excrescences bred out of the distemper of the State."

From the above it is clear that we must distinguish clearly between Martial Law as a machinery for the enforcement of internal order and Martial Law as a system of military rule of conquered or invaded alien territory. Martial Law of the first category is normally brought in by a proclamation issued under the authority of the civil government and it can displace the civil government only where a situation has arisen in which it has become impossible for the civil courts and other civil authorities to function. The imposition of Martial Law does not of its own force require the closing of the civil courts or the abrogation of the authority of the civil government. The maxim *inter arma leges silent* applies in the municipal field only where a situation has arisen in which it has become impossible for the Courts to function, for, on the other hand, it is an equally well established principle that where the civil courts are sitting and civil authorities are functioning the establishment of Martial Law cannot be justified. The validity of Martial Law is, in this sense, always a judicial question, for, the Courts have always claimed and have in fact exercised the right to say whether the necessity for the imposition of Martial law in this limited common law sense existed.

From this examination of the authorities I am driven to the conclusion that the Proclamation of Martial Law does not by itself involve the abrogation of the civil law and the functioning of the civil authorities and certainly does not vest the Commander of the Armed forces with the power of abrogating the fundamental law of the country. It would be paradoxical indeed if such a result could flow from the invocation in the aid of a state itself for its own protection from external invasion and internal disorder. If the argument is valid that the proclamation of the Martial Law by itself leads to the complete destruction of the legal order, then the armed forces do not assist the state in suppressing disorder but actually create further disorder, by disrupting the entire legal order of the state. I cannot, therefore, agree with the learned Attorney General that the proclamation of Martial Law by itself must necessarily give the Commander of the armed forces the power to abrogate the Constitution, which he is bound by his oath to defend.

43. Reverting back to the events, General Yahya Khan's reaction to the enquiry of President Ayub Khan seems to us to be an amazing one. According to himself he was of the view that a partial Martial Law could be of no use at all in as much as the persons causing trouble would immediately leave the areas under Martial

Law which would gradually have to be extended until the whole country was under Martial Law. In other words, therefore, Martial Law had to be imposed throughout the country. We cannot but read this as meaning a flat refusal to come to the aid of the civil government. Other evidence discloses that the army in so many words declined to take any responsibility unless the government of the country was made over to it. Witnesses have deposed to General Yahya saying that unless he was asked to take over entirely he would pack up and go to Peshawar, leaving the government to manage as it best could. We cannot but express our utter surprise and sense of profound shock that the Commander-in-Chief of the Army, each one of whose officers and men had taken an oath to be faithful to Pakistan and its Constitution should adopt such an attitude. It was the army's foremost duty to come to the aid of the legitimate government; instead it exploited the government's weakness at a time when it was itself willing to erase itself from the political scene by constitutional means in order to meet the wishes of the people who are after all the ultimate political sovereign. It should have been its duty clearly to eschew politics; on the contrary it chose to enter politics in a big way and make itself the sole political power.

44. What then happened between the 20th of March and 25th March, 1969, to necessitate the handing over of the country to a military Commander? The situation was definitely not comparable to the one in 1958. In 1958, for good reasons or ill, Field Marshal Ayub Khan, ousted the Government in power through under the facade of the then President continuing as such in the new regime for less than three weeks. In 1969, apparently at least, a civil government invited the Commander-in-Chief to take over the country. It is interesting to note that in the letter which the Field Marshal wrote to General Yahya Khan on the 25th March, 1969, he asked the latter to perform his constitutional responsibilities. This sentiment was repeated in the Field Marshal's farewell broadcast in which he went on to express the opinion that the security of the country demanded that no impediments be placed in the way of the defence forces and they should be enabled to carry out freely their legal duties. If this passage stood alone it would not be difficult to read it as meaning that the army was required to come to the aid of the civil power. Clearly, however, such an interpretation is entirely untenable in the context of the entire broadcast, which was to the effect that the government was unable any longer to function and spoke also of the decision of the Field Marshal to relinquish simultaneously the office of the President. The reference, therefore, can only be to that notion of supra constitutional duty with which the army was imbued at that time and which General Yahya Khan in his deposition strongly advocated before us as the correct legal position. We questioned him closely upon this matter and he said that he was not a lawyer but that from the beginning of his career in the army he had always been trained to believe that this was a cardinal duty of a soldier, namely the defence of the country. This statement comes from a person who, in a different context, claimed to be an expert in law.

45. As we have seen the Round Table Conference produced as favourable a result as it could, under the circumstances, have been expected to achieve. Not only had a sufficient measures of agreement been reached to begin the process of constitutional amendment but it had been publicly announced that the measures would be carried through in the appropriate legislative fashion. In order to bring to the country respite from internal strife, the President had renounced for himself even the position of constitutional head of a parliamentary form of government. He could and should according to the 1962 Constitution, if he wished to quit the scene immediately, have handed over to the Speaker who would take the necessary steps for the election of a new President. There was, therefore, no reason apparently, why the President should not have gone on to amend the Constitution by means, of course, of the process contemplated by that Constitution itself. What then induced him suddenly to hand over the government of the country to General Yahya as he did on the 25th? The reason, it seems to us, is primarily to be found in the attitude of General Yahya who had made it plain that he would not agree to come to the aid of the civil power. The Field Marshal had ever been contemptuous of the ability of the politicians to govern the country in a democratic fashion with success.

That General Yahya's opinion was not very different is shown as much by his conduct after he took power as his evidence before us and he was, in any case, motivated by his own desire to come to power. By this time also what had been whispered for years was being openly alleged, namely that during the Field Marshal's regime he and his family had amassed a vast fortune by abuse of his official position. The Field Marshal's decision to give power to the General could well have been influenced in part by a hesitation to put politicians in power over himself. Credence is given to this view by the public statement of General Yahya after his assumption of power, in reply to a newspaper reporter's question, that he would not proceed against Field Marshal Ayub Khan.

7

SECOND MARTIAL LAW — YAHYA REGIME

On the evening of 25th March 1969, General Agha Mohammad Yahya Khan, Commander-in-Chief of the Pakistan Army, imposed Martial Law and assumed to himself absolute power throughout the country designating himself as Chief Martial Law Administrator. He did not proclaim himself President to start with but on 4th April 1969, he assumed the rank with retrospective effect.

2. The avowed object with which the General took over the government of the country was not that he himself should continue in power or even that under his aegis a new order was being set up. This is in sharp contrast to the action of Field Marshal, then General, Mohammad Ayub Khan, on the 7th of October 1958. In the broadcast made by the then President on that date the whole justification of Martial Law was stated to be the failure of politicians; Martial Law was being ushered in, therefore, not as a step preliminary to the restoration of democracy but as the beginning of a new order of things which alone could save the country.

3. In the broadcast which he made on the 26th of March 1969, General Yahya Khan said:

“My sole aim in imposing Martial Law is to protect life, liberty and property of the people and put the administration back on the rails. My first and foremost task as the Chief Martial Law Administrator, therefore, is to bring back sanity and ensure that the administration resumes its normal functions to the satisfaction of the people. We have had enough of administrative laxity and chaos and I shall see to it that this is not repeated in any form or manner. Let every member of the administration take a serious note of this warning.

Fellow countrymen, I wish to make it absolutely clear to you that I have no ambition other than the creation of conditions conducive to the establishment of a constitutional government. It is my firm belief that a sound clean and honest administration is a pre-requisite for sane and constructive political life and for the smooth transfer of power to the representatives of the people elected freely and impartially on the basis of adult franchise. It will be the task of these elected representatives to give the country a workable constitution and find a solution of all other political, economic and social problems that have been agitating the minds of the people.”

General Yahya was, therefore, committed to the role of a mere caretaker who would restore law and order in the country and within the shortest possible time thereafter hand over the government to a set of duly elected representatives. Of course in the context of things this would mean the enactment of a new Constitution either by promulgation by himself or by setting up some kind of a machinery to frame one.

4. Law and order was indeed restored with amazing rapidity. This could have been in part due to the fact that, under pain of the stringent penalties provided by Martial Law, it was neither possible for large crowds to assemble at one time nor could political leaders or agitators call for processions, and hartals and other demonstrations. It may also have been due, in some measure, to the feeling among the people, that their movement had succeeded in as much as Ayub Khan and his Constitution had toppled and by and large we think that people generally believed that, although Martial Law was not in itself a desirable thing, it was necessary in order to pass on to the next constitutional step. The experience of 1958 had induced in the people a sort of unthinking belief that in times of major crisis like this, Martial Law was inevitable and indeed a panacea for all evils, and that it necessarily involved the abrogation of the constitution. To people who thought more deeply of course the earlier experience brought only a more profound mistrust of military rule and all that goes in the wake of dictatorship, military or otherwise. Peace and order being so clearly restored, it was to be expected that General Yahya's next steps would be equally rapid. It is, however, not until November 1969, that the General announced his timetable.

5. In the meantime, of course, he had had talks with almost all political persons of importance and had come to certain conclusions upon the basis of which he intended to make constitutional changes even before an election could take place. His own explanation of this action before us was that these were matters upon which he found complete unanimity and that he left the rest to be decided by the people after election. The validity of this argument, we will deal with at a more appropriate stage; at the moment we merely state the fact. He announced that elections would take place on October 5, 1970, and that political activity would be allowed with effect from January 1, 1970. The Legal Framework order was to be made ready by March 31, 1970, and for the elections the One-Unit of West Pakistan was to be dismembered. The other fundamental issues upon which he stated that there was unanimity, were that the new constitution should be based upon the parliamentary federal form, elections should be on direct adult franchise, fundamental rights and their enforcement by the courts should be guaranteed, the independence of the judiciary and its role as the custodian of the Constitution should be secured and the constitution should have an Islamic character based on the ideology of Pakistan. A copy of the speech of 28th November 1969 is annexed to this Chapter, as annexure 'A'.

6. If an early return to constitutional normalcy and the transfer of power to the representatives of the people was the aim, it is difficult to understand why elections were to be held as far away as October 5, 1970, which would mean 18 months after General Yahya had assumed power. As we have said the law and order situation did not take long to be controlled. It is true that he held political discussions with various leaders in an attempt to achieve constitutional unanimity, but in view of the fact that the Ayub regime had toppled and he himself had taken power as the result of protracted discussions on the same lines with political leaders which had failed to secure unanimity and that in the meantime, political activities not having been permitted no further organization of parties or political campaign had taken place, it is not easy to understand what useful purpose these negotiations were expected to achieve. Indeed the only point in addition to what had been agreed to at the Round Table Conference, on which it was claimed that unanimity had been achieved, was the dismemberment of the One-Unit.

7. In the course of the broadcast of 28 November 1969, the General said that he had besides the course he had decided upon, three other alternatives. These were:

- i) the calling of a constitutional convention;
- ii) the revival of the 1956 Constitution; and
- iii) the framing of a Constitution and hold referendum on it.

The first of these he rejected although he said it would have been a fitting arrangement because it involved two elections (the second one being to be legislative assembly) and would have, therefore, resulted in unnecessary delay in the transfer of power. In the result, one is tempted to ask if it could have resulted in more delay than in fact took place.

8. As to the 1956 constitution, it was rejected because it incorporated the establishment of One Unit, which he claimed, was no longer acceptable. Considering that this was the only major change that he made without going to an assembly of any kind, this also seems a strange reason. Surely if the opposition to the One Unit was so unanimous and assembly elected on the 1956 Constitution could well have proceeded itself so to amend the Constitution as to give effect to the dismemberment of the One Unit.

9. As to the referendum he stated that a referendum was feasible only when the matters referred were simple enough to be answered 'yes' or 'no' which obviously is not true of a Constitution. As we shall see, however, the Legal Framework Order, which he eventually promulgated, virtually did promulgate a Constitution except as to one very sensitive point, namely, the distribution of powers between the Centre and the Provinces.

10. It is also not clear to us why making this announcement as he did, on the 29th of November 1969; he did not allow political activity to the resumed forthwith but only with effect from the 1st of January 1970.

11. In accordance with this timetable on the 30th of March 1970, he promulgated two orders, namely the Province of West Pakistan (Dissolution) Order and the Legal Framework Order. By means of the first, various provisions were made for effecting the dismemberment of One Unit and the second provided for the Constitution of a National Assembly of Pakistan for the purpose of framing a Constitution and also provided for the election of Provincial Assemblies. The Legal Framework order required that the Constitution framed by the National Assembly should embody five fundamental principles. These principles were mainly those matters upon which agreement had been reached in the Round Table Conference and upon which he himself had announced that there was unanimity of opinion (the other matter upon which there was unanimity had already been settled by the Province of West Pakistan (dissolution order). In fact, therefore, the Legal Framework Order virtually, save for one very important exception, gave a Constitution. That one exception was the manner in which the distribution of power between the Centre and the provinces would be made. The relevant provision of the Legal Framework Order is Article 20(4) which states: -

"All powers including legislative, administrative and financial, shall be so distributed between the federal government and the provinces that the provinces shall have maximum autonomy, that is to say maximum legislative, administrative and financial powers but the Federal government shall also have adequate powers including legislative, administrative and financial powers, to discharge its responsibilities in relation to external and internal affairs and to preserve the independence and territorial integrity of the country."

12. Had the degree of provincial autonomy been clearly laid down in the Legal Framework Order, it is obvious that the only task that would have remained would be a mere matter of drafting. It is to be remembered that at one extreme, stood the demand for Six Points, the issue upon which the Round Table Conference negotiations broke down, if indeed one is justified in saying that they did break down. As against this, stood the principle, stated in the Legal Framework Order, that the integrity and solidarity of Pakistan had to be secured in the new Constitution. On the other hand he had at least three examples of a constitutional distribution of powers between the Centre and the Provinces, the Government of India Act, 1935, the Constitution of 1956 and the Constitution of 1962. The second of these, at any rate, was a Constitution framed by a Constituent Assembly and had been followed for a short time before it was abrogated in 1958, just before the first elections under it could be held. There is, therefore, considerable force in the argument that, knowing the sensitive nature of this particular point and the extremes to which feelings on it could go and having regard to the fact that but for this point the Constitution had been in effect promulgated by the Legal Framework Order, it would have been wiser in fact to promulgate a Constitution with a fairly substantial measure of Provincial Autonomy leaving it to the fully elected assembly to amend the Constitution by enlarging or limiting that measure of autonomy. Indeed, to anticipate events, much later

in February 1971, General Yahya stated that to those who feared for the integrity of the country the answer was that the Legal Framework Order was a sufficient guarantee. Could that sufficient guarantee be held to be binding after an election; the campaign for which was later claimed to be a referendum on the Six Point issue; or now be regarded as of sufficient authority to impose a constitution which gave an autonomy short of Six Points with a viable Centre, functioning on its own power?

13. There were two other remarkable features of the Legal Framework Order. One of these was that there was no provision made as to any specific majority needed for the passage of the Constitution or some other safeguard, as for instance the insistence that a stated percentage, say, 25 per cent of the votes of each region or federating unit should be necessary to constitute a valid majority for the passage of the Constitution. When General Yahya Khan appeared before us we asked him to enlighten us as to the reasons for this omission. He replied that he had incorporated in the Legal Framework Order only such matters as had been unanimously agreed to by everybody and the voting procedure was not one of them. He also said that he thought it was necessary to leave such a matter to the House itself. We are entirely unable to follow this reason. Unanimity was required, if at all, as to the actual provisions of the Constitution intended to be framed and surely not as to the procedural mechanics of the body which was to frame it. More important than this, however, is the fact that by omitting to state any such majority and leaving it implied, if not expressly, to that body itself was in fact to say that the decision would be by a simple majority. This is obvious from the fact that when the question would arise before the assembly as to what should be the voting majority, that question itself would necessarily have had to be decided by a simple majority. Clearly, therefore, those who were in the majority in the House would have favoured such a decision and would have been able to make it. When regard is had to the actual circumstances of our politics the outlook was very bleak. By reason of the decision that there should be one man one vote, clearly, the representatives of East Pakistan would be in a numerical majority. As we have said before the only thing of any importance which the assembly was to decide was the question of quantum of Provincial Autonomy. Shaikh Mujibur Rahman was already for Six Points and even if it could not then be anticipated that he would win 98 per cent of the East Pakistan seats, surely there was enough material in the proceedings of the Round Table Conference to indicate that he would be a formidable power, if, therefore, the question of Six Points became an issue between East and West Pakistan, as it had every prospect of becoming, the decision to leave the question of how great a majority was needed for decisions in the House virtually meant that East Pakistan would decide this issue. In other words it meant that East Pakistan would decide whether or not it would secede.

14. Of course all that is stated in the previous paragraph is based upon the assumption that East Pakistan would vote as a whole but, in the light of the Six Points, this was surely a serious enough possibility to be anticipated. If it could be safely assumed that East Pakistan would never go to the extent of demanding Six Points then both the gravity and the sensitivity of the question of Provincial Autonomy is considerably reduced and on that basis of course the importance of the minimum majority needed is greatly diminished.

15. It is not as if the importance of the voting procedure was not realised. Evidence shows that the Law Minister/ Law Advisor did point out to General Yahya how vital a matter it was and, indeed, both in his broadcast of 28th November, 1969, to which we have referred and in that of 28th March, 1970, two days before the promulgation of the Legal Framework Order the General mentioned the matter:

“28.11.1969. As regards the voting procedure in this National Assembly, it is important to appreciate that the Assembly will be deciding upon basic constitutional issues. Constitution is a sacred document and it is an agreement to live together. It cannot be compared to any ordinary Law. It is, therefore, essential that the voting procedure to be involved by the Assembly for itself should be just and fair to representatives of all regions of Pakistan.

After the Assembly has completed its task and the Constitution made by it has been duly authenticated, it will assume the character of Pakistan's Constitution. The stage would then be set for the formation of the new Government."

"28-3-1970.

When the Legal Framework Order, 1970 is published you will notice that in the schedule dealing with the Rules of Procedure, the voting procedure for the National Assembly has not been included. This is a matter which is best settled by the House itself and it is my earnest hope that there would not be too much divergence in views on this issue. Unanimity would of course be ideal. In any case I do not personally like to talk on this subject on the basis of percentages. The point that I made earlier and would like to emphasize again is that a Constitution is not an ordinary piece of legislation but it is an agreement to live together. It is therefore essential that all regions are reasonably satisfied with the voting procedure that may be evolved by the House because unless they are so satisfied, the Constitution will not really and genuinely be acceptable to the people of different provinces and regions as such a document should be. I am sure it should be possible to arrive at some suitable arrangement."

The reasoning is curious; it is precisely because a Constitution was to be framed that it was necessary to settle the voting procedure: the General appears to have thought the exact contrary.

16. The other feature of the Legal Framework Order again, was a matter which related to procedure rather than to the substance of the Constitution that was to be evolved. This was the requirement that the National Assembly must complete its task of framing the Constitution within a period of 120 days and that otherwise it would stand dissolved. In theory of course, the principle that a day elected for the purpose of framing a Constitution should not at the same time exercise legislative power is defensible. If the National Assembly were to be a Constituent Assembly and a Legislative Assembly at the same time without any limit of time being imposed for the completion of its Constitution-making task the danger inherent in the situation is obvious. Such an assembly would have every incentive to perpetuate itself and to procrastinate in the making of a Constitution until a time would come when the assembly would cease to have any real representative character. To us in Pakistan such an experience is all too vivid and all too recent — the first Constituent Assembly did in fact flounder on this very rock.

17. It is one thing, however, to realise this danger and another thing to seek to prevent it by a measure which swings to the opposite extreme. There was no question of National Assembly elected under the Legal Framework Order exercising any legislative power until it had framed a Constitution. The danger inherent, therefore, in an assembly performing both functions was initially ruled out. Not merely was the limit of 120 days prescribed but it was regarded as so sacrosanct that when differences between the two large parties which emerged from the elections, namely, the Awami League and the Pakistan Peoples Party reached their height, the one thing that the General was not willing to concede was an enlargement of this period of 120 days.

18. It is convenient to consider at this stage whether the Six Point programme meant secession or, at least, such a loose connection between the two wings of Pakistan as would inevitably sooner or later result in the secession of East Pakistan and closely interlinked with this is the question whether those in authority at that time thought that it was in conflict with the integrity of Pakistan. Did they ever carefully consider whether it was so? It would be convenient at this stage to set out the Six Points as amended:

1. The character of the government shall be federal and parliamentary, in which the election to the federal legislature and to the legislatures of the federating units shall be direct and on the basis of universal adult franchise. The representation in the federal legislature shall be on the basis of population.

2. The federal government shall be responsible only for defence and foreign affairs and, subject to the conditions provided in (3) below, currency.
3. There shall be two separate currencies mutually or freely convertible in each wing for each region, or in the alternative a single currency, subject to the establishment of a federal reserves system in which there will be regional federal reserve banks which shall devise measures to prevent the transfer of resources and flight of capital from one region to another.
4. Fiscal Policy shall be the responsibility of the federating units. The federal government shall be provided with requisite revenue resources for meeting the requirements of defence and foreign affairs, which revenue resources would be automatically appropriable by the federal government in the manner provided and on the basis of the ratio to be determined by the procedure laid down in the Constitution. Such constitutional provisions would ensure that the federal government's revenue requirements are met consistently with the objective of ensuring control over the fiscal policy by the government of the federating units.
5. Constitutional provisions shall be made to enable separate accounts to be maintained of the foreign exchange earnings of each of the federating units, under the control of the respective governments of the federating units. The foreign exchange requirements of the federating units on the basis of a ratio to be determined in accordance with the procedure laid down in the Constitution. The regional governments shall have power under the Constitution to negotiate foreign trade and aid within the framework of the foreign policy of country, which shall be the responsibility of the federal government.
6. The governments of the federating units shall be empowered to maintain a militia or paramilitary force in order to contribute effectively towards national security.

19. A witness who was associated with constitution-making almost throughout the period — and a gentleman of great experience in the legal and constitutional field being no less a person than a retired Chief Justice of Pakistan — was Mr Justice A.R. Cornelius. When he was asked whether the Six Points were ever shown to General Yahya Khan during the election campaign he answered:

“He was familiar with them and he used to talk about them from time to time but he never asked for an analysis. In my own mind I think that about 4 of them were quite easily acceptable and I think I said in a meeting of the cabinet that it would be easily possible to amend the Constitution so as to give effect to most of the Six Points and that would perhaps ease the political situation.”

With all respect to the witness we can only regard this as a very light way of dealing with the matter.

20. Col Hassan who was posted as representative of the JAG Department in CMLA Headquarters on the 26th of March, 1969, and continued to function as such throughout the Martial Law period intimately concerned at all times with the question of Constitution making, stated that the Six Points ‘apparently’ did not mean secession. By this he meant that upon the face of it the Six Points do not necessarily mean secession.

21. There have been other witnesses before us, some of whom were intimately concerned with East Pakistan on behalf of the government during the crucial election campaign days, as for instance Admiral Ahsan, Governor of East Pakistan and Lt-Gen S M Yaqoob, Martial Law Administrator. Their periods of tenure being almost co-extensive, both these gentlemen said that at not time within their knowledge had there been any careful analysis made of the meanings and all the implications of the Six Points.

22. It is difficult to see how a Central government, which could deal only with defence and foreign affairs, without any power of taxation, could be a government with any real power at all. In modern conditions, the foreign policy of a developing country is closely limited with foreign trade and if the Centre could not

control the latter we are unable to see how it could deal effectively with the former. Unable to control foreign policy how would the Centre undertake the defence of the Country?

23. The amended Six Points spelt out the programme of the Awami League somewhat more fully than the original but in substance we cannot see that that makes so much difference that one could take the view that while the amended Six Points generally stood for secession the original ones did not. We cannot but feel that Colonel Hassan's view was too technical, even superficial, and it is remarkable that he followed up this statement immediately by stating that they (the Six Points) could be changed. Now we have been constantly told by various witnesses that Mujibur Rahman himself said that the Six Points were negotiable, that they were not after all part of the Gospel. We must confess to some sense of bewilderment at these statements. Was it the thinking of the ruling party that the Six Points did not mean secession? If it was, then surely there was nothing wrong about them, and the wishes of the majority even though coming only from one region could have been acceptable, without any severe opposition from West Pakistan. But in that case why this insistence upon Mujib's assurances that they were negotiable? The very fact that consolation was sought to be derived from the statement that they were negotiable implies that, as they stood, they were not acceptable. The only reason why they should not be acceptable is because they were against the solidarity and integrity of the country. Therefore, except for this General Yahya should have had no hesitation in accepting whatever the view of the majority was. He had himself stated that he had finalized only such matters upon which he found unanimity and since he was in the nature of a caretaker any constitutional pattern which did not conflict with the five principles which he had set out should have been equally acceptable.

24. The failure or refusal of the government to interfere with the campaign may, we think, be ascribed to two causes. The first of these is that, consistent with the policy of not interfering with the Awami League the government went on to the other extreme of refusing to protect the campaigning of other parties from interference by Awami League. For instance a meeting of the Jamaat-i-Islami was broken up by the Awami League and government agencies stood by silent and uninterfering. A meeting of the Pakistan Democratic Party also met with the same fate.

25. The other factor was the attitude of the East Pakistani civil servants. There is no doubt of course that the government of Pakistan was under General Yahya Khan and that, by reason of Martial Law prevailing throughout the country, the province of East Pakistan was being administered by the army or, to put it a little more accurately by the Martial Law authorities, but the majority of civil servants serving in East Pakistan were themselves East Pakistanis. Although an intellectual class, they could not emotionally be left unstirred by the same feelings which were rapidly spreading over the entire people of East Pakistan. It was only to be expected that being East Pakistanis they would, at least on the emotional plane, share the feelings of the entire public and, even where emotion was counteracted by the calmer reflection which education might be presumed to induce, it cannot be denied that the charge of exploitation had at least some basis. The civil servants moreover, saw that the rising sun was the Awami League, in whose hands their future prospects would now lie. Even if it be assumed that at the earlier stages of the campaign it was not clear that Mujibur Rahman would emerge the undisputed victor, the centre of power was visibly shifting at least from the army and it is but natural that the civil servants would look to the incoming master rather than the one who was about to abdicate. Even the Six Points programme had its own special charm for the East Pakistani bureaucracy which saw in it the prospect of their own advancement. In some sense therefore, if not entirely, the position of the East Pakistani civil servants was akin to that of the Indian civil servants — Hindu or Muslim — just before independence who, by emotion and interest alike, were naturally aligned with the All India National Congress and the Muslim League. In these circumstances it is not surprising that the East Pakistani civil servants threw their weight wherever they could in favour of the party which stood for the East Wing rather than parties whose approach was national. The fact, therefore, that the Awami League

would emerge victorious should have been fairly clear from the beginning even though it might not then have been anticipated that it could win so sweeping a victory as it ultimately achieved.

26. It does not appear, however, that government anticipated such results. Even when with succeeding events like the cyclone the prospects of Awami League grew brighter and brighter, the government intelligence agencies were estimating the chances of victory for Mujib as about 60 per cent of the East Pakistani seats which would of course, by no means be an overall majority. This seems all the more remarkable, for despite protestations to the contrary, Government certainly did not stand by as a disinterested spectator in the elections but made many manoeuvres behind the curtain to influence the results. General Yahya had appointed one of his trusted lieutenants, Major-General Mohammad Umar, as Secretary of the National Security Council in circumstances that leave little doubt that was only a cover job for other activities. It is true of course that this council had been created earlier during President Ayub Khan's time but all the officers of this council, whom we have examined, including General Umar himself have stated that the Council was ineffective for the purpose for which it apparently existed and that it did not have the necessary powers and machinery to make it effective. Yet we find that soon after General Yahya assumed power he put a person who had worked as one of his staff officers earlier as the Secretary. General Umar had direct access to the President and yet never complained that he was ineffective nor were any steps taken to make his ostensible job a reality. Large sums of money in cash lay in a safe the keys of which were in General Umar's custody and some rupees six lakh had to be deposited when high denomination notes were demonetized. Even as late as 4-12-1972 rupees three lakh were withdrawn in cash by General Umar and no accounting of these money was ever made. And at the same time General Umar was meeting politicians with remarkable frequency. The inference seems fairly clear.

27. In September 1970, East Pakistan had the misfortune to be visited by a flood. This persuaded General Yahya to postpone the election of the National and provincial Assemblies to the 7th and 17th of December, 1970, respectively. Mujibur Rahman insisted at this stage that floods were no reason at all for postponing the elections, claiming that this was no unusual event for East Pakistan whose people were used to living half submerged in water any way. It is possible that General Yahya sincerely thought that elections were impracticable in October and therefore decided to postpone them. Other political parties too made the demand for postponement and we cannot say that General Yahya was ill-motivated in his decision. Suffice it however to state the postponement had the effect prolonging the campaign by another two months and by lengthening out the period during which arbitrary power was being held.

28. It had another and worse consequence. In November 1970, East Pakistan was afflicted by a cyclone and this was used by the Awami League to whip up the hatred already intense against the West Pakistanis by claiming that in this hour of distress, neither the West Pakistani leaders nor the government of Pakistan dominated by West Pakistanis showed any sympathy for the East. One political leader namely Khan Abdul Wali Khan stated that except for himself not a single West Pakistani of any note visited East Pakistan during these days, and that this was used by the Awami League for highlighting the indifference, if not the callousness, with which the agony of East Pakistan was treated. A leader of an important political party in the West however stated before us that mere physical presence of the leaders in East would have meant little and that in fact material help was sent. This is probably true. But human emotions are often swayed more by gestures than actual help. We do not suggest that the absence of West Pakistani leaders at that time was either intended to slight the East Pakistanis or was a measure of their own indifference. Perhaps they rightly felt it was more important to send help and they themselves were tied to West Pakistan by the necessities of their own election campaign. What we are however pointing out is not the motivation but the fact that this was in fact played up and resulted in strengthening Mujib's position even more. Now, if not before, it was abundantly clear that Mujib would sweep the polls. Indeed after the cyclone all the other parties barring a few minor ones withdrew from the field leaving it entirely to Mujib.

29. It is an interesting sidelight upon the election campaign that the majority with which Mujib emerged and which was to prove at once his strength and weakness in the post election period was anticipated by Mujib. We have clear evidence now that he himself felt right from beginning that too big a majority might well make him the prisoner of his party and that he offered a certain number of seats to the Council Muslim League and to Jamaat-i-Islami promising that he would not set up his candidates in those constituencies. It would seem that he desired to have a clear majority of the East Pakistan seats but not a clear overall Pakistan majority. From all that we have heard he desired a strength of roughly 120 seats in the house giving him the status of the leader of the largest party but without an overall majority. We realize that the statement would seem to indicate that Mujib all along intended that Six Points should be the point from which he would negotiate rather than a programme which he would force through the house. It is difficult and unfair to come to any final conclusion on his intentions as to the Six Points without having had the advantage of examining Shaikh Mujib or even any of the members of his party.

30. However, the Council Muslim League and the Jamaat-i-Islami chose not to accept this offer, presumably because they thought that they would be able to obtain a large number of seats. The results we know.

31. The election ended on the 7th of December 1970, except for a few constituencies in which polling had been postponed on account of the cyclone. The net result was that Sheikh Mujibur Rahman got 160 of the 162 seats for East Pakistan and the largest single party that emerged in the West Pakistan was the Pakistan People's Party which had 84 seats of the 138 West Pakistan seats. The 13 women's seats of course had to be filled latter and obviously in the East they would have gone to the Awami League and in the West the greater number of them would have been won by the Pakistan People's Party.

32. Theoretically, and if geographical conditions had been different in practical terms as well, the fact of one party emerging with an overall majority and a second party having a very large number of seats equal at least to half of the majority party was an ideal set up for the constitutional and democratic form of government. Our misfortune however was that the Awami League did not win a single seat in West Pakistan. Similarly, the Pakistan People's Party did not have a single seat in Eastern Wing. Added to this is the fact that the region from which Mujib had obtained his majority was not physically contiguous to the rest of the country and was in fact divided by a country which, unhappily, for historical reasons was inimical to Pakistan and particularly to its integrity. All this was compounded by the fact that the National Assembly although eventually it was to work as a legislative assembly, was initially a constitution making body. It is simple and easy to say now that Shaikh Mujib had emerged as the victor in the campaign for election to what was known to be a constitution making body, that he had campaigned on a constitutional programme and had openly declared that he regarded the elections as a referendum and that it is clear therefore that the demands of democracy and justice alike were that he should be allowed to frame a constitution upon that basis. Unfortunately the simple is not always true.

33. The country was not a physically continuous area nor was the constitution to be a unitary one. If indeed the constitution had to be a unitary one constitution making itself was no problem. As we have seen the only real matter left to the constitution making body was a question of division of power between the centre and provinces. It was to be a federation and it can hardly be denied that a federation does not come into being merely by reason of the will of the majority of the population of the entire federating units but must carry the consent of each federating unit. It is true that ours is not the classic pattern of federation in which the federating units, sovereign till then, decide by common consent to enter into the federation. Ours in fact was a country or rather a part of the country which was for nearly a century run under a unitary form of government. Federation was first proposed for undivided India in 1935 where again the federating units were not coming into union for the first time. Quite apart from the fact however that the 1935 Act did not come into force, so far as the provisions as to Federation are concerned, one has to remember that the Act itself

was not the result of a National Assembly vote but was enacted by the British parliament, no doubt as a measure towards the realization of the aspirations of the Indian people but not wholly with their consent. The federation came with the Indian Independence Act, 1947, it was still the Government of India Act, however, which came into operation for this purpose. No doubt the constitution of 1956 was passed by an Assembly of our own people but here again it was not as a result of the agreement of the units in the strict sense. The constitution of 1962 was federal only in name. Truly therefore a federal constitution was to be enacted for the first time by the Assembly which was elected in 1970. To say of such an Assembly that it could enact the federal constitution by reason of the fact that one federating unit populated as it was by more than half the country's entire population could dictate the constitution to the whole of the country, the rest of which was much large in area and consisted of four federating units is to ignore the geographical, political and emotional realities of the march of events since independence.

34. With such overwhelming success at the polls the Awami League and, with the whole of the province of East Pakistan looked forward with impatience to the summoning of the National Assembly and what was hoped would be the inaugural of a new chapter in Pakistan history in which the East would play a dominant role. Along with this, however, was a lingering suspicion that, despite the election victory they would not be able to claim power; it was a kind of feeling that all this was too good to be true and a latent suspicion that West Pakistan or the Army, which in East Pakistani minds were by now identified as interchangeable terms, would not loosen the grip on power which they had held for over 12 years.

35. The month of December passed and yet there was no sign of the calling of the Assembly. For the 3rd of January, 1971, Shaikh Mujibur Rahman called a mammoth public meeting in which he administered an oath to the persons who had been elected to the National and Provincial Assemblies by which they swore allegiance to the party's programme for provincial autonomy. Gradually over the preceding period Mujib had shifted from his stand that the Six Points were negotiable and now took the position that they were: "the property of the people of Bangladesh" and there could be no question of a compromise on them. Possibly the amazingly near unanimous election results together with the fact that the administration had played a role of non-interference with Awami League election campaign was giving Mujib the first taste of intoxicating political power. On the other hand it may well be that with that majority Mujib was, in a sense, no longer a free man; he had lost the flexibility and the capability of negotiating which a smaller majority might have permitted. There is, much to be said for the latter point of view and the delay between the 7th of December 1970, and the 7th January 1971, when General Yahya Khan met Mujib at Dacca could hardly have served to improve the position. In any case by that time Mujib had held his mass meeting. Whether the meeting was originally intended to be a demonstration of power, in that it reaffirmed the absolute loyalty of the members of the party to himself provided always that he stood by the Six Points, or it was forced upon him by his own party to ensure that he does continue to remain bound by that programme, is a question upon which it is difficult now in the absence of any of the members of the party who played a part, to come to any satisfactory finding. In any case the difference between the two positions is minimal. In either event the position was that the Awami League was now firmly committed to a position from where their shifting from the Six Points programme seemed difficult. Between the election results and this meeting of the 3rd of January 1971, apparently no effort was made by General Yahya Khan to bring the leaders together for consultations, though later when he made such efforts the Shaikh adopted hard attitude. This was perhaps inevitable, but in order that the attempt should have been worthwhile at all the time was surely earlier, i.e., before the public meeting though the precise date, 3rd of January 1971, may not have been anticipated. In fact this meeting did not take place until four weeks after the election results.

36. It might be convenient here to digress and state the position of West Pakistani parties on the Six Points programme before and after the election. By and large most of the parties in the West did openly oppose the

Six Points programme. It has been alleged that Pakistan Peoples Party alone did not. It is ironical, if that is so, that after the elections it is People's Party which should be the most vociferous in its opposition while the opposition of the others became milder. We think it is true to say that while the others at no time gave up opposition to the undiluted Six Points programme, generally speaking they had a viewpoint in the post-election period opposed to that of the Pakistan People's Party. It is quite true that the Pakistan Peoples Party leader in most of the party's public meetings did not expressly join issue with the Six Points but conducted the campaign generally upon a socialist programme. The Chairman of the party in giving evidence before us explained his reasons at some length. To start with it he denied that he had in fact not opposed the Six Points programme. He went on to say that the implications of the Six Points programme were hardly such as could be explained in mass meetings to enormous crowds likely to be swayed by emotions and unlikely to understand political and constitutional matters. He, however, did over and over again in comparatively smaller gatherings, attended by people of higher educational and intellectual attainments, like the Bar Associations, expound his views that the Six Points programme was not one in the interest of the country but meant, or at least would lead to, secession.

37. With this background General Yahya went to East Pakistan. The evidence of Admiral Ahsan casts a curious light upon the preparedness of General Yahya and his team for discussions with Sheikh Mujibur Rahman. We have referred earlier to what appears to us to be a lack of any study of the Six Points programme. On the 6th of January, 1971, General Pirzada, the Principal Staff officer to General Yahya, called on the Governor of East Pakistan, Admiral Ahsan, and asked him to obtain a copy of the Six Points programme because he said that on the next day the President would be discussing it with Mujibur Rahman and his colleagues. That at this stage the presidential team did not have so much as a copy of the Six Points programme is in itself a shocking eye-opener. However, the Admiral expressly asked whether the Six Points programme have been analysed so as to bring out its defects and deficiencies and enable the President to ask pertinent questions and General Pirzada answered that no such analysis had been done and that what was contemplated the next day was merely a brief session — there would be other occasions for more detailed discussions.

38. Accordingly, the next day a meeting was held. Besides General Yahya Khan there were present the PSO and Admiral Ahsan while the Awami League was represented by Shaikh Mujibur Rahman, Mr Tajuddin, Mr Nazrul Islam, Mr Qamaruzzaman, Khondkar Mushtaq Ahmad and Captain Mansoor Ali. Mujib presented his Six Points programme and answered a few questions which General Yahya raised and then asked (we quote from the evidence of Admiral Ahsan): -

“Sir you now know what the Six Points programme is, please tell me what objections you have to this programme.”

The very phrasing of this question is suggestive. General Yahya is said to have answered that he himself had nothing against the Six Points programme but Mujib would have to carry the West Pakistani leaders with him to which the latter replied: “Of course Sir, kindly call the Assembly as soon as possible. I suggest 15th of February 1971. You will see that I will obtain not only a simple majority but almost 2/3 majority.”

39. One might pause to remark that while this answer certainly did not mean that Mujibur Rahman would give up the Six-Point programme the reference to the 2/3 majority equally clearly meant that he would carry with him at least some of the West Pakistani votes which would in turn mean not necessarily that he would bargain with West Pakistan but at least that he would be able to persuade some of the West Pakistan members to his point of view.

40. To continue with the account of the meeting, Admiral Ahsan then remarked that with an absolute majority the Awami League could bulldoze their constitution through without bothering about West Pakistan's interests and to this Mujib's answer is interesting: -

"No, I am a democrat and the majority leader of all Pakistan. I cannot ignore the interests of West Pakistan. I am not only responsible to the people of East and West Pakistan but also to world opinion. I shall do every thing on democratic principles. To begin with I hope you will arrive in Dacca 3 or 4 days before the Assembly session. I will show you our draft constitution. If you find objections I will try to accommodate your wishes. As a leader of the majority party I will prepare a draft for the President's address to the Assembly. I will express my gratitude to you in the Assembly for restoring democracy. Then we shall go through all the process of a democratic parliament. We will have the subjects committees, we will discuss the issues and find acceptable formulas inside and outside the Assembly."

41. Now in view of what followed, this is a remarkable statement. Clearly if this answer is taken at its face value Shaikh Mujibur Rahman, although not talking of a pre-assembly consultation, was thinking in terms of the usual give and take in parliamentary affairs inside the House and in the lobby. He was thinking of accommodating West Pakistan and yet sticking to the Six-Point programme. Now what was there in the Six-Point programme which would need the consideration of West Pakistan's interests? In a federal system in which the centre had hardly any function there would be no need of saving East Pakistan's interests against the West Pakistan or vice versa. Indeed in the constitution to be set up under the Six Points programme the central assembly itself would have hardly any function to perform. The accommodation therefore of West Pakistan's interests at this stage would appear to mean the accommodation of that point of view of West Pakistan which was in favour of a centre which if not strong would at least be more than merely nominal; in other words it meant ensuring the continued existence of Pakistan as one country not merely in name but in some real sense, and yet the Shaikh had earlier spoken of the Six-Point programme and of his ability to carry it through the House by a 2/3 majority.

42. There was some little further discussion on the methodology of constitution making and finally Shaikh Mujibur Rahman said: -

"Sir my party intends to elect you as the next elected President of Pakistan. This is a great honour and I think you fully deserve this for restoring democracy in the country."

The President answered that he was a simple soldier and would go back to the barracks or go home. There was a little more discussion in a lighter vein during the course of which General Yahya referred to the necessity of the Awami League working closely with the Pakistan People's Party as being the largest party of West Pakistan. To which the Shaikh reiterated that he would certainly seek the cooperation of that party as also of other parties of West Pakistan and went on to say that he realized that West Pakistan did not need the same extent of autonomy as East Pakistan but that, while he was prepared to help, he would not interfere with any arrangements the West Pakistani leaders wish to make.

43. This last sentence is pregnant with meaning and we can only say that, had it been understood more carefully the statement that West Pakistan should not have the same measure of autonomy as East Pakistan could, only mean that the centre would have a larger list of subjects in West Pakistan than East. In other words it meant that while East Pakistan with its majority at the centre would have a determining voice in all the subjects which fell to the central list so far as the West is concerned, it would be able to deny to West Pakistan not merely a determining but even a consultative voice in similar affairs of the East. This would be a remarkable concept of federation. With the Awami League having a majority at the Centre and if political alignments were always to be on a regional basis East Pakistan assured of a permanent majority at the Centre it does seem remarkable that the East would still not find it possible to concede the same degree of central power in respect of Eastern region, as it would undoubtedly have in respect of the Western region. On the other hand the latter part of the answer clearly implied that the West might have such constitutional

arrangement as it chose. In other words the hint was that West Pakistan Provinces might well constitute a sub-federation. In the context of things, however, this meant really nothing. The provinces of West Pakistan would not really be units in a sub-federation. They would be units in the federation of West Pakistan which federation together with East Pakistan would constitute a confederation.

44. However, the meeting ended on this charming note of cordiality and strengthened by the General's reference next day at the Dacca Airport to the Shaikh as his future Prime Minister. How in his heart he took the offer of the presidency is a matter which we will examine at a more convenient place, suffice it to say for the time being that we do not upon a review of the entire evidence feel that General Yahya was imbued with a strong determination to go back to the barracks much less to go home.

45. From Dacca the President came to Karachi and on 17th January 1971, went to Larkana to pay a visit to Mr Bhutto. Accompanying him were also General Hamid and General Pirzada. It has been said that General Hamid went there only because of a shooting trip and General Pirzada's presence of course is understandable as General Yahya's Principal Staff Officer. The allegation has therefore been made and denied that this was a sinister meeting between the army top brass and Mr Bhutto who were conspiring to do Mujib out of the fruit of his favourable election results. We do not really see that there is much in this. It may well be that General Hamid was in fact going for a shooting trip and it may equally well be that it might have been mere politics to avoid his presence. A meeting between Mr Bhutto and General Yahya at this time would seem to be politically as necessary as one between the latter and Sheikh Mujibur Rahman and whether General Yahya was accompanied by only General Pirzada or seven other Generals would seem to make little difference. In any case, Mr Bhutto was meeting the Army's top brass.

46. At this meeting the Chairman of the Pakistan People's party is said to have pointed out to the General the necessity of giving him some time to parley with Sheikh Mujibur Rahman for otherwise a meeting of the House, with Mujib bent upon his Six Point programme and supported by a clear majority, would surely be able to go through with the Constitution which meant the end of one Pakistan. He also wanted time to prepare public opinion to enable his party to go as far as possible to meet the substance of Six Points on the condition that nothing should jeopardise the unity of Pakistan. Mr. Bhutto at this meeting with General Yahya did not suggest a specific date for the calling of the Assembly but he wanted sufficient time and indicated that he would be ready by about the end of March. General Yahya appeared to be more or less in agreement and Mr. Bhutto then went with some other members of his party to Dacca where he met the Sheikh on the 27th of January 1971.

47. As to the talks that were then held we have the evidence only of Mr Bhutto and some of his associates and are necessarily without the advantage of the evidence of Shaikh Mujibur Rahman or the other members of his party. The Pakistan People's party chairman has deposed that in his talks Mujibur Rahman was somewhat harsh in his attitude and refused entirely to shift from the Six Points. No amount of persuasion had any effect on him. He was set upon a meeting of the National Assembly on the 15th of February as we have already stated, and the Pakistan People's Party pointed out to him that even for enabling the party to accept the Six Points in substance with some concession which would ensure the continued existence of Pakistan, it would be necessary to canvass public opinion in the West. The Shaikh understood the difficulties of the party but was entirely unamenable to the request that he should agree to a date for the National Assembly later than the 15th of February. Mr Bhutto, therefore, returned from Dacca really having failed in his mission, but did not say so publicly contenting himself with a non-committal account of his talks at Dacca.

48. He then met General Yahya at Rawalpindi on the 11th February, and reported to him the result of the discussions. Mr Bhutto felt that between the conflicting demands of the Pakistan People's Party for postponement and that of Shaikh Mujibur Rahman for a very early session the President could steer a middle course and satisfy both sides by making an announcement of a date sufficiently distant to allow the Pakistan People's Party the time it wanted. Mr Bhutto maintains that he left General Yahya with the clear impression

that the latter agreed with him and would convene the Assembly on some date during the end of March 1971. However, General Yahya chose the 3rd of March and announced that the Assembly would meet on that date. 49. In the meantime agitation had been mounting in East Pakistan for the early summoning of the National Assembly, an agitation which could well go completely out of hand. In some measures the effect of non-interference with the election campaign of the Awami League had already emboldened the masses. By about the time that General Yahya announced the date, the 13th of February, a feeling that an impasse had been reached was clearly there.

50. A few days after the Assembly had been summoned for the 3rd of March, that is, 15th of February, Mr Bhutto called a press conference at Peshawar. The announcement of 3rd March had come as complete surprise to him for only two days earlier he had met General Yahya and was given the impression that the National Assembly would be summoned to meet in the end of March 1971. At the conference he stated his party's position along the lines that we have stated above and announced that his party would not participate in the National Assembly session on the 3rd of March, unless their point of view would be heard and, if found to be reasonable, accepted by the Awami League. He maintained before us that neither then nor later did he say that it meant to boycott the National Assembly session. All that he wanted was an assurance that there would be reciprocity from the Awami League for adjustment in the Six Points. Judging from the conversation between the Awami League and General Yahya on the 7th of January, 1971, a conversation which was confirmed by General Yahya, and the broadcast months later on the 28th of June, 1971, we might have thought that such an assurance would not have been difficult to obtain from the Awami League. Be that as it may, from the 15th February onwards the Pakistan People's Party continued to say that they wanted accommodation to hold dialogue with the Awami League and that, unless this was assured, it would not be possible for them to attend the session on the 3rd of March. On the 21st February, a convention of the party took an oath to abide by the party decision not to attend the Assembly on the 3rd of March.

51. Finally, on the 28th of February, 1971, Mr Bhutto not knowing that the decision to postpone the National Assembly meeting had already been taken by General Yahya Khan on the 22nd of February, and was being conveyed to Mujib on the 28th, addressed his famous mammoth public meeting at Lahore. He declared that neither his party would attend the Assembly Session at Dacca nor would it allow anybody else from West Pakistan to do so. He warned the other parties that if any of their member decided to go, they should do so on a one-way ticket as they would not be allowed to return to West Pakistan, that their "legs would be broken," and that "the country would be set ablaze from Khyber to Karachi." It is true that at this very meeting the chairman of the Peoples Party had put forward the alternative suggestion that the time limit of 120 days set for Constitution-making in the LFO be waived, but he knew fully well that this General Yahya Khan was not going to accept. Mr Bhutto's attitude is best summed up by a statement he made at a press conference on the 19th of February, 1971: "We have gone a mile to accommodate the Six Points. We request our East Pakistani friends to move at least an inch to accommodate our view point."

52. Between the 13th February, when General Yahya summoned the National Assembly and the 1st March, when he postponed it, other political activities of a more subtle kind were going on in West Pakistan. We have already had occasion to refer to General Mohammad Umar, ostensibly Secretary of the National Security Council but really engaged, during the election campaign in collecting and distributing funds, secretly but obviously in pursuance to General Yahya's own political plans. Evidence of various witnesses shows clearly that at this time he was employed for the purpose of persuading some of the West Wing politicians not to attend the National Assembly and or to demand that it be postponed. Among those whom he visited for the purpose were Mr Daultana and Khan Abdul Qayum Khan. Others, including Maulana Shah Ahmed Noorani of the Jamiat-e-Ulam-i-Pakistan, have told us that General Yahya was not successful in his attempts; for instance Maulana Shah Ahmed Noorani actually went to Dacca. Except as to the Pakistan Peoples Party of course it is

impossible to say of the others that they would not have gone, much less that they were dissuaded by General Yahya. Since the postponement was announced on the 1st March after which it would, in any case, have been pointless to go. But we have not found it possible to accept either General Yahya's or General Umar's denial of the activities alleged, in view of the other evidence. It is, we think, clear, that having decided to postpone the Assembly General Yahya wanted it to appear that his hands had been forced by the attitude of the West Wing politicians who intended to boycott the session if it was held on the 3rd March.

53. To say, however, that the General and Mr Bhutto were in close concert with each other is not, we think, justified. We have narrated at some length an account of the meeting that took place between Mujibur Rahman and General Yahya early in January as also that which took place soon thereafter at Larkana. There is on the other side an allegation of the Pakistan People's Party that the General was in fact collaborating with Mujibur Rahman. In support of this charge is cited the fact that General Yahya purported to find nothing unacceptable in the Six-Point programme, that he publicly announced that Mr Mujibur Rahman would be his Prime Minister and that he privately received and welcomed an invitation to continue as President. We are constrained to come to the conclusion that so far from General Yahya collaborating with Mr Bhutto or with Shaikh Mujibur Rahman much less with any minor party, he was playing one party against the other. To this course of action he appears to have been driven by the unexpectedly massive support which Shaikh Mujibur Rahman had received in the polls. That in the ultimate result this scheme resulted only in the disintegration of Pakistan and the fall from power of General Yahya himself is a sorry sequel but hardly one we think that had been calculated. After the elections in East Pakistan, the convening of the National Assembly had been eagerly awaited and when that was delayed the tension was gradually at first and more rapidly later mounting. The announcement on the 13th of February that the Assembly would meet on the 3rd of March relieved this tension. But in direct proportion to this relief and even accentuated thereby was the provocation offered by the postponement announced on the 1st of March. That postponement, West Pakistan read as a final announcement that come what may, they would not be allowed to enjoy the fruit of the election results. East Pakistan reacted violently. Accordingly, the immediate results were violent demonstrations and disturbances in Dacca. The army was called out to cope with the situation but after taking some action was called back to the barracks within 48 hours. This was followed by the inaction of the Army right up to the 25th of March 1971. By this time, of course it was useless to hope that the ordinary agency of the government namely, the police or even the paramilitary forces like the East Pakistan Rifles, could be relied upon to restore law and order. After all, members of the civil services, and even the armed forces, however disciplined, are human and in the violent upsurge of feeling that had taken place revolving round militant sense of Bengali nationalism, it was only to be expected that most East Pakistanis would share the feelings of the populace. The situation had to be controlled then if at all, by the regular armed forces. From that day onwards the violence went on mounting. The movement was no longer confined to mere demonstrations and processions; looting was almost an invariable part of such processions. Shopkeepers who attempted to keep their shops open during the hartals, which were a daily feature, were not merely forced to close but lost all the goods in their shops in the bargain. From this the scale mounted and incidents of killing and rape were not un-common. Nevertheless the army merely stood by. Indeed a time came when the army was almost literally confined to the barracks, unable to obtain supplies or go out for them.

54. The question that has been raised before us over and over again and which has disturbed our mind is how could a government absolve itself of the duty of maintaining law and order and protecting the life, liberty, honour and property of its citizens on any excuse whatever, and still call itself a government. The explanation which comes forth reveals a peculiar state of affairs. We are told that the local administration that is, the Martial Law Administration and the Governor were restrained from Pindi from taking action. They could, in any case, not resort to the arrest of a leader of any importance without express permission from the Centre and this, it is

stated, is the explanation why the army having been called out in Dacca on the 2nd and having taken some action, was not allowed to continue to do so but had to return to their barracks. The reason behind this prohibition is stated to be that at all costs the door of negotiations with Shaikh Mujibur Rahman had to be kept open and that nothing was to be done which would annoy the Shaikh so as to make him unwilling to negotiate. We are quite unable to accept this explanation. There is no evidence before us that such strong instructions were given and even if they were, this would not absolve the local administration, with the full force of the military available to it of its own responsibility. It is one thing to refrain from interfering with or prohibiting a political movement; it is quite another to permit violence of its order. The first may well be regarded as the refusal by a government to interfere with the expression of people's political will. The second can only be regarded as a shameful oblivion of government's essential functions and primary duties. Indeed this inaction on the part of the government led to two very serious consequences.

55. In the first place early and firm action would have necessitated the use of far less force than later was employed. It may well have had a salutary effect. A senior army officer posted in East Pakistan has told us that he himself, a day before 7th of March, 1971, when an important meeting of the Awami League to which we shall presently refer, was to be held, informed Shaikh Mujibur Rahman that while government would not interfere with peaceful political meetings, however, extreme their tone be, they would come in firmly if violence was attempted or if the anticipated unilateral declaration of independence was made. According to him this warning had the desired effect.

56. Secondly, this inaction had an extremely bad effect upon the loyalties of the people who would otherwise have resisted any attempt by the Awami League to secure secession. In any case upon the evidence we do not believe that the majority of people of East Pakistan, much less its entirety, wanted secession. But what were the people to think when the government failed to perform its primary duty to protect its citizens? Can they be blamed for thinking that the government of Pakistan was making ready to pack up and go? Could the government then still expect people to remain loyal to it? Indeed this inactivity on behalf of the government not only weakened the confidence of the people in the government but also alienated the sympathy of people who not only wanted one Pakistan but were willing to make sacrifices for that. From this point onwards that section of the people were continued to believe in one Pakistan had either, out of fear, to change sides, or in fact suffered a change of heart.

57. Admiral Ahsan's explanation on this point is that when the postponement was announced on the 1st of March, he made desperate efforts to persuade the President to come to Dacca urgently. It was his view, shared by General Yaqub, that not only was the only answer to the problem, a political solution, but that the only other alternative, military action, would have had to be an all out operation, shutting the door finally on political negotiation. Consequently, military action could only be taken if all hope of conferring with Shaikh Mujibur Rahman was finally given up. That action could be limited to preventing violence and the forcible interference by the Awami League with the people's ordinary avocations, without attempting to curb peaceful demonstrations by that party, does not appear to have been feasible either by Admiral Ahsan or General Yaqub. On the 1st March, therefore, the Admiral rang to Rawalpindi wishing to speak to the President but was able to contact only General Pirzada who advised him to telephone Karachi where the President then was. At Karachi also he could only contact General Umar who told him that the President was busy but that he said would pass on the message. He spoke next to General Hamid who professed ignorance of the political developments and, when asked to speak to General Yaqub, said he did not particularly wished to do so. An hour later Admiral Ahsan was informed that he had been relieved. He accordingly handed over to General Yaqub and left Dacca on the 4th March.

58. General Yaqub's thinking as to the feasibility of military action after the 1st March, on a comparatively smaller scale was, as we have stated, much the same as that of Admiral Ahsan. He too urged the need of a

political solution and advised that the President should come to Dacca immediately. He also advised that no government, without political backing, could possibly control the situation, and the formation of such a government could obviously, as he pointed out, be done only with the President's consent and by his orders. Although he did not put it in so many words, the suggestion is obviously that some kind of provincial government headed by Mujib or his nominee must take over at once. This advice being rejected he resigned on the telephone on the night of the 4th March, and confirmed this by a signal on the 5th announcing his intention to hand over to Major-General Khadim Hussain Raja. He was, however, told to await his relief and accordingly he left Dacca on the 7th after Lt-Gen (now General) Tikka arrived to take over from him.

59. It does not, therefore, appear that there was any categorical order from Rawalpindi prohibiting either Admiral Ahsan or General Yaqub from taking any action to prevent the outbreak or spreading of violence after the 1st March. Ahsan, it is true, resigned on the 1st and was not, therefore, in a position to take or not to take action thereafter. But his view we have seen and it is the same view which induced General Yaqub to refrain. It is true of course that the local authorities had been told to keep the door for negotiations open and to refrain from arresting top ranking political leaders without express permission but this need not have excluded the maintenance of law and order; it did not, as we have seen, prevent another senior officer (though lower in rank and command to General Yaqub) from interfering on the 7th March. We cannot therefore, agree either that General Yaqub was prohibited by the President from doing what seems to us his plain duty or that he was right in thinking that action, if taken had to be of such an order as to result in civil war. Nevertheless, we cannot avoid the suspicion that authorities in Rawalpindi also had some part to play in this curious inaction. For, although General Yahya concluded that General Yaqub had developed cold feet and, therefore, sent General Tikka Khan to replace him, the latter also followed the same policy up to the 25th March 1971, after which of course an all out military action was launched.

60. General Yahya has claimed that in view of the attitude of the Pakistan Peoples Party he saw little point in convening an assembly where hardly a West Pakistani member would be present and that, therefore, he had no alternative but to announce the postponement. The Pakistan Peoples Party, however, had not put forward the postponement of the assembly as the only possible course of action. It had made two alternative demands, either that the assembly be postponed or that the 120-day limit be removed or enlarged. General Yahya could well have resorted to the latter but for some unexplainable reasons this provision in regard to 120 days was treated by General Yahya from the beginning to the end, as sacrosanct and admitting of no relaxation. Even assuming, however, that he was left with no alternative but to postpone the assembly, the General could and should have fixed a new date. He was being constantly advised from East Pakistan that a postponement and particularly a postponement sine die would be received very badly.

61. It is obvious that after the postponement of the assembly announced on the 1st of March, General Yahya should have taken at least the very earliest possible steps to meet Mujibur Rahman. It is necessary to go back a little and to refer to an incident which may possibly have affected General Yahya Khan's willingness to come to Dacca on an early date after he had announced the postponement of the assembly. In the first week of February 1971, the President sent a message to Dacca inviting Shaikh Mujibur Rahman and his colleagues to Rawalpindi. This invitation was conveyed to Mujibur Rahman by Governor Ahsan but the Shaikh declined to come, stating as his reason, that he had summoned a conference of the MNAs and MPAs of his party. Strong efforts were made by both the Governor and the Martial Law Administrator General Yaqub to persuade Mujibur Rahman to go urging upon him the fact that a Presidential invitation was always regarded as a command which it was discourteous to refuse and in any case such a refusal was likely to hurt the President's vanity, a result which would hardly contribute towards amity and a friendly solution of the constitutional and political problem. However, Mujib completely refused and tension of course continued to mount because at that time a date had not yet been fixed for the meeting of the National Assembly. In some part at least the announcement on the 13th of February must have relieved the situation.

62. A few days later, however, came a telegram from the President in strongly worded language which we quote: -

"Convey to Shaikh Mujib that I am very dissatisfied with his refusal to accept my invitation to visit Rawalpindi. If he does not arrange to come to Rawalpindi as soon as possible he will be entirely responsible for the serious consequences which will follow."

While we do not disagree that it would have been both more politic and more courteous for Mujibur Rahman to have visited Rawalpindi and that the President's vanity might undoubtedly have been hurt by his refusal to do so, we cannot but regard the contents and tone of this telegram as un-statesman like and hardly indicative of the dignity and wisdom which should be the necessary attributes of the head of a State. Governor Ahsan was asked to read this telegram to Shaikh Mujib and to hand it over to him in the presence of the Martial Law Administrator. The feelings of the Governor, who had all along been urging the desirability of a political settlement with the Shaikh, and who was by now suspect as being too soft and leaning to Mujib in his inclinations, may well be imagined. He made frantic communications to Rawalpindi, urging that this would only raise Mujib's temper; at the last minute, however, instructions were received to withhold the message.

63. On the 22nd of February 1971, the President convened a meeting of the Governors and Martial Law Administrators at which were present also some high ranking military and civilian officers. A monthly meeting of this kind was a fairly regular feature of the Yahya regime and at this meeting, as usual, the President gave a review of situation speaking of the un-compromising and rigid stand of Shaikh Mujibur Rahman and stated that in the circumstances a meeting of the Assembly could serve no useful purpose. Admiral Ahsan and General Yaqub were the only persons to raise a somewhat discordant note in the general chorus of agreement with the President but, in view of the fact that the problem that was being discussed arose from East Pakistan and that these two persons were not only the only two officers from the Wing who were present but were also the highest representatives of the Government in that area, we should have thought that their views would have been listened to with more respect. However, the President took the two aside along with General Hamid and General Pirzada and there told them of his decision to postpone the assembly session. Admiral Ahsan speaks of his impression gathered at this meeting that the provision in regard to the 120-day limit for framing the Constitution was for some reason inflexible and that in no circumstances could it be relaxed; in that case, it was patently necessary that all controversies be settled before the Assembly meeting rather than during the course of its meeting. It was clearly pointed out to the president that such an announcement would only intensify the already high feeling. What is worthy of note is not merely the fact that the President postponed the Assembly on the 1st of March but that he had taken this decision to do so at least as early as the 22nd of February.

64. The assembly having been adjourned on the 1st of March with the sole object of enabling parleys to take place before it met and some kind of deadlock having already arisen between Mr Bhutto and Mujib, one should have thought that the President would consider it urgently necessary to meet both these gentlemen with a view to ensuring a settlement. Mr Bhutto at least at that time had expressed no unwillingness to meet either General Yahya or Shaikh Mujibur Rahman; the immediate need, therefore, was that General Yahya should meet Mujibur Rahman. Yet, upon being urged to do so even as late as the 4th of March, the President categorically said that he was unwilling to go to Dacca then and that the only concession that he could give was the announcement of a new date for the assembly. Obviously the announcement of a fresh date at that juncture could hardly have had the same effect as if it had been fixed at the time of the announced postponement. Indeed when the new date was announced Mujibur Rahman's immediate reaction was to make four demands for considering whether or not the Awami League would attend the session:

- 1) Immediate withdrawal of Martial Law;
- 2) Immediate withdrawal of all military personnel to their barracks;
- 3) Enquiry into the loss of life; and
- 4) Immediate transfer of power to the elected representatives of the people (prior to the National Assembly session).

When we asked General Yahya as to whether he did not see the undesirability of a postponement sine die he professed to be unable to understand why he was accused of doing so. He pointed out that he adjourned the assembly on the 1st of March and that as early as the 6th March 1971, he fixed the 25th of March as the next date for the assembly. Comment is superfluous.

65. On 23rd March 1971, General Yahya summoned a conference of the leaders at Dacca for the 10th. Again, Mujib refused to attend and thereafter General Yahya fixed the 25th for the meeting of the Assembly. General Yahya reached Dacca on 15th March but not all his aides came with him and met Mujibur Rahman on the same day. It is a curious feature of the various talks that followed that, by and large, the several parties did not meet together in the presence of General Yahya who interviewed them separately. It is as if General Yahya was at the same time a negotiator between the parties as well as a person who held the power, transfer of which was being negotiated with the parties. In any case Shaikh Mujibur Rahman himself and Mr Z.A Bhutto never, except for one occasion, met each other or the President at the same time. The first round of meetings started when Mujibur Rahman met General Yahya on 15th of March 1971.

66. In the meantime the law and order situation had gone completely out of hand of the authority and the Central government had collapsed. Gradually Shaikh Mujibur Rahman was gathering into his hands the actual reins of Government. During this period he issued a series of directives, the first of these which is dated the 7th of March, 1971, announced a week-long programme to continue what was described as a non-violent and non-cooperation movement starting on March 2, till the objectives of the immediate termination of Martial Law and transfer of power to the elected representatives was achieved. It is worthwhile reproducing this directive:

1. No tax campaign to continue.
2. The Secretariat, government and semi-government offices, high courts and other courts throughout Bangladesh should observe hartals. Appropriate exemptions shall be announced from time to time.
3. Railway and ports may function but railway workers and port workers should not cooperate if railways or ports are used for mobilization of forces for the purpose of carrying out repression against the people.
4. Radio, television and newspapers shall give complete versions of our statements and shall not suppress news about the people's movement otherwise Bengalis working in these establishments shall not cooperate.
5. Only local and inter-district trunk telephones communication shall function.
6. All educational institutions shall remain closed.
7. Banks shall not effect remittances to the Western Wing either through the State Bank or otherwise.
8. Black flags shall be hoisted on all buildings every day.
9. Hartal is withdrawn in all other spheres but complete hartal may be declared at any moment depending upon the situation.
10. A Sanram Parishad should be organised in each union, *mohallah*, *thana*, sub-division and district under the leadership of the local Awami League units.

Followed thereafter directives issued from time to time which in effect purported to control all activity in the province including the working of government offices. In general, government agencies including the courts were prohibited from working at all but exceptions were made limited clearly to the carrying out of

essential functions. Bank working was severely curtailed, transactions between the province and the outside world particularly West Pakistan completely prohibited, even personal accounts were permitted to be operated within very severe limits. Provincial taxes were not to continue to be paid as also was central taxes but the latter were not to be credited to the Central government but deposited in special accounts of the Eastern Mercantile Bank Ltd, and the Eastern Banking Corporation Ltd.

67. The Shaikh's directives were obeyed with the result that the government was virtually replaced but this does not mean that an orderly government in which the life, liberty and honour of its citizens were safe was substituted in its place. Demonstrations and hartals continued not in a peaceful fashion but with violence. The public generally or at least the workers of the party ran amuck killing and destroying property. Many witnesses, including East Pakistanis holding high positions in government service or otherwise well placed in life (e.g. witnesses 159.68) have stated that arms and ammunitions were being smuggled in and collected at first in small quantities and secretly but later on a large scale openly. People who refused or failed to shut their shops in response to the calls for hartals were being punished, even murdered. Generally, though Shaikh Mujibur Rahman was in overall command, the rebels had taken over and many atrocities were committed especially against the non-Bengali speaking population.

68. During the first round of meetings between the President and Shaikh Mujibur Rahman the proposals of the Shaikh apparently were:

1. that Martial law be lifted immediately,
2. that the National Assembly should start functioning both as a Constituent Assembly and as a legislature, and
3. that power be transferred immediately at both the national and provincial levels.

We say apparently for the only direct witness we have on the point is of General Yahya himself whose narration of events on this point is somewhat confused. In any case in the meeting of the President's aides and the Awami Leaguers on the 17th March these were the former's instructions. Subject to the concurrence of the West Wing politicians, specially the Pakistan Peoples party, Gen. Yahya seemed to have agreed to this except as to the immediate lifting of Martial Law, apparently on the ground that with the lifting of Martial Law there would be a legal lacuna as the Martial Law was then the only source of power. We are, frankly unable to appreciate the argument. Martial Law had been imposed by the announced will of General Yahya himself. A proclamation by the same person was the consent of the leaders of the two largest parties of an Assembly competent to frame a constitution, with that very Assembly starting to function immediately, would surely have at least as much legal authority.

69. To continue the narration of events, the aides of both sides continued meeting until on the 20th March, they did so in the presence of General Yahya and Shaikh Mujibur Rahman when the question was discussed. The President's side suggesting implementing the proposals by means of a Martial Law Regulation, a proclamation was finally agreed upon, and the Aides were there to meet to discuss and finalize the language of the Proclamation. At this meeting also it was decided that two Committees of the National Assembly, one consisting of members from the East and the other of those from the West would be set up. On the 21st March the Principal Staff Officer, General Pirzada told Col. Hassan that Mujib now wanted the setting up of provincial governments only with General Yahya continuing at the Centre as President. Apparently, in between there had been another meeting between him and General Yahya. It is presumably on this account that the White Paper issued by Government some months later on the crisis in East Pakistan states that the proposals which emerged from the Yahya-Mujib meeting were:

1. Martial Law be withdrawn immediately,
2. power be transferred in the five provinces,

3. no transfer of power for the time being should take place at the Centre,
4. the National Assembly be divided ab initio into two Committees, one for each wing, and
5. that the National Assembly should thereafter meet in its entirety and frame a Constitution in accordance with the reports of the two Committees. It might be noted that until the National Assembly met finally, the East Wing was to have autonomy on the basis of Six-Points while the West would still be governed in accordance with the division of powers laid down in the 1962 Constitution.

70. To these proposals General Yahya agreed subject to the concurrence, of the Pakistan Peoples Party and, if possible, all the others from the West. A message was sent to Mr Bhutto on the 19th to the effect that the Shaikh was willing to talk with him and that he should come to Dacca as soon as possible.

71. Mr Bhutto reached Dacca on the afternoon of the 21st and met the President, at 7.30 p.m. that day. According to Pakistan People's Party the proposals were far from being acceptable, primarily because the idea of the assembly meeting in two sections, apart from the practical consequences to which it would lead, was even in principle fraught with the concept of a confederation, if not two actual separate countries. Mr Bhutto had some consultations with his own party later that night and the next morning went to President's House to meet General Yahya and Mujibur Rahman. It so happened that Mr Bhutto arrived a couple of minutes before the appointed time while Shaikh Mujibur Rahman came punctually. Accordingly it was possible for them to exchange a few words of greeting before they were escorted to see the President. Out of the three persons present at this meeting two, namely, Mr Bhutto and General Yahya, were explained as witness before us and both agreed that there was really no talk between Mujibur Rahman and Mr Bhutto at this time beyond the fact that the Shaikh expressed regret for the hostile reception that Mr Bhutto had received the previous day at Dacca Airport despite the fact that the Awami League had undertaken to make all security arrangements for Mr Bhutto as he was their own guest. This expression of regret Mr Bhutto brushed aside by saying that the matter was of no great consequence and that what really mattered was an early and an amicable settlement. Mr Mujibur Rahman is reported to have turned to the President and asked whether approval has been accorded to the Awami League proposals and when the latter remarked that it was necessary for Mr Bhutto also to agree and that he had been invited for that reason, Mr Mujibur Rahman took the attitude that the proposals had been conveyed to General Yahya and it was up to the latter to convince Mr Bhutto. According to Mr Bhutto, although he was tense Shaikh Mujibur Rahman was courteous throughout but insisted that General Yahya was the channel of communication between himself and Mr Bhutto.

72. The two then left the presence of the President. Curiously enough, however, outside, in the room of the Military Secretary in which was present at that time, the Military Secretary, General Muhammad Ishaque, the President's Naval Aid-de-camp and General Mohammad Umar, the Shaikh asked the others to leave as he wanted to talk to Mr Bhutto privately. He remarked to Mr Bhutto that the situation had become very grave and that he needed Mr Bhutto's help to overcome it. Fearing, however, that the room might be fitted with concealed microphones the two walked out into the verandah and sat in the portico behind the President's Salon. It is an amusing sidelight that they were in fact visible to General Yahya who on a subsequent occasion remarked on the two "honeymooning with each other." The gist of the talk between the two leaders at that time was that Mujibur Rahman insisted that there should be two committees set up to start with and since it was quite impossible for the National Assembly to meet as one body it should be adjourned sine die. Mr Bhutto remarked that it was ironical that he himself had been asking for negotiations outside the house and a postponement of the assembly and that it should be Mujibur Rahman now who talked of the adjournment of the National Assembly sine die. Mr Bhutto promised to consider the proposals but stated it as his firm opinion that whatever the final shape of the proposals, they must be passed by the National Assembly, if necessary, in the form of a resolution authorizing the issuing of a Presidential Proclamation. Mujibur Rahman, however, was firm that the assembly

should not meet at all even briefly. Clearly, there was, quite apart from the substance of the matter as to what the eventual constitutional arrangement should be, a clear impasse between Mr Bhutto and Shaikh Mujibur Rahman upon the initial question whether the assembly should meet in the first instance or not. This was the last and indeed the only meeting between Mujibur Rahman and Mr Z.A. Bhutto during these negotiations and considering the fact that their earlier meeting had yielded no result, one could go further and say, this was the only real meeting that took place between the two.

73. The next three days were occupied with discussions between the President's Aides consisting mainly of Mr Justice A R Cornelius, Law Adviser, Mr M M Ahmad, Economic Adviser, General Pirzada, Principal Staff Officer, and Col. Hassan of the Judge Advocate-General's department with those of the Pakistan People's Party and the Awami League separately. It is unnecessary to enter into any detailed statement of these meetings; they were hardly negotiations and were usually confined to a discussion of the mechanics of implementing one or the other scheme. They were, from any point of view thoroughly unsatisfactory. On more than one occasion it happened that the President's team having been briefed by the President would start a discussion on some point to which the representatives of the Awami League would say that the point had already been settled by the President with Shaikh Mujibur Rahman. Since there were no written records maintained of the discussions between General Yahya and Mujibur Rahman it is difficult and, in any case, futile to attempt to judge who was right and it only highlights the wholly unsatisfactory manner in which these negotiations were being carried on.

74. Besides these, there were also talks between the President and other leaders from West Pakistan, as for instance, Khan Wali Khan, Mian Mumtaz Muhammad Khan Daultana, Sardar Shaukat Hayat Khan, Maulana Mufti Mahmood, Maulana Shah Ahmad Noorani and also between them and Shaikh Mujibur Rahman. While these leaders were undoubtedly more friendly towards Mujibur Rahman and, in some degree, perhaps more sympathetic to his proposals there is no doubt that they also could not go so far as to accept a confederation or any kind of constitution which would clearly lead to secession. In the absence of a joint conference of all concerned it is not clear as to which proposal emanated from whom. For instance, General Yahya Khan spoke of the two committee proposal as having emanated from Shaikh Mujibur Rahman while Khan Wali Khan deposes that in his conversation with Shaikh Mujibur Rahman the latter claimed that the idea came from General Yahya Khan himself. Khan Wali Khan states that when he spoke of this to Mujibur Rahman the latter went so far as to show him a letter from General Yahya Khan in which the General offered Mujibur Rahman a solution which would more than satisfy him, one that would be in excess of the Six Points. One is left wondering what such a solution could be short of complete secession. General Yahya of course categorically denies having sent any such letter and in the nature of things we have not seen such a document. We have no reason to doubt the Khan's word but in the absence of the evidence of Mujibur Rahman and the document itself, we cannot possibly reach a finding that such a letter exists or that the paper shown to the Khan was a genuine one.

75. What is more important to note is that there is not only now no means of checking as to what was the correct version, things were so managed, at the time, that it was not possible for any of the people concerned so to check up. To say, there was a misunderstanding on this and similar points, is to take the most charitable of the possible views; we are, however, left with a strong feeling that General Yahya played out a game in which no clear cut decisions could be reached.

76. These consultations between the Awami League leaders and President's advisers continued for long hours on the 23rd and 24th of March and during this, the Awami League position hardened even more -- in that they wanted not merely two committees of the National Assembly separately but two constitutional conventions, one consisting of the members of the National Assembly from East Pakistan and the other of such members from West Pakistan and formally, for the first time used the expression "confederation of

Pakistan." The Central government, if it could be called such, was to have in effect no control or power at all and on the evening of 24th Mr Tajuddin Ahmed, General Secretary of the Awami League issued a press statement saying that the Awami league has given its final position to General Yahya Khan and that there was nothing left to negotiate. This final proposal is the draft Proclamation prepared by the Awami League and appears as an appendix 'B' to this Chapter.

77. In the meantime on the 23rd of March, a day, dear to the heart of Pakistanis as being an anniversary of the Lahore Resolution, which called for the creation of Pakistan in 1940, instead of the joyous flying of the Pakistan Flag the new flag of Bangladesh appeared on government buildings and private houses and Shaikh Mujibur Rahman himself hoisted the Bangladesh flag on his residence. On 24th and 25th, Mr Bhutto met the President to discuss the proposals of the Awami League as they were developing. On the evening of the 25th the Pakistan People's Party advisers were informed by the President's team of the final proposals made by the Awami League. At about mid-night between the 25th and 26th Dacca was awakened to the nose of thunderous gunfire; the military action which has since become so well-known had started. Curiously enough, as is now known to be undoubtedly true, General Yahya Khan had already left Dacca. In the evening it had been given out that the President could not be contacted because he had gone to dine at the Eastern Command. In fact he had left for Karachi.

78. Quite obviously such an action could not have been taken without some previous preparation. Indeed no secret has been made of the fact before us that a contingency plan, known as Operation Blitz, had been in readiness for a long time and it has been, on that account suggested that the negotiations which were carried on from about the middle of March up to this date were no more than a camouflage, it being all along the intention of General Yahya Khan and his military advisers to cow down the Awami League with a heavy hand. It is said that at no time was General Yahya sincere in his expressed desire to transfer power to the elected representatives of the people more specially in East Pakistan. There are indeed circumstances which support this point of view and this is a matter upon which we will dilate with care later in this report. But from the single circumstance that a plan was in readiness to meet the contingency of the talks resulting in failure, we are unable to take the extreme view that all that happened during this period of two weeks was a mere pretence. The situation in East Pakistan was such that, on the assumption that the General was sincerely motivated, it would have been foolish, at least, to have nothing ready to meet the situation if talks still finally broke down. Dacca was by now a city in which it was impossible for anybody or at least for any West Pakistani of consequence and more specially those associated with the government of Pakistan to move without armed escort. The province generally obeyed the will of Sh Mujib even though his will had not so far firmly established itself as to enable one to say that there was an orderly government in which the ordinary citizen could live with the normal sense of security which is a feature of normal civilized life.

79. On the other hand, we have reason to believe that the Awami League itself intended to take action at 3 am on the morning of the 26th March 1971. It is natural, therefore, that General Yahya might have regarded the evening of the 25th as the last point of time at which a solution must be achieved if it was to have any meaning. It is true also that the government at that time was handicapped by a singular inability to rely upon the normal sources of intelligence. However trained such agencies ordinarily are, in a province which was seething with revolution it was difficult to have a sufficient number of local agents from whom information could be gathered. In addition to this was the language problem. It is sad to reflect that nearly 25 years after the achievement of Pakistan it should be still possible to have this problem of communication.

80. One should have thought that the very first step taken in an action of this kind would have been the arrest of the ring leaders but although the attempt was made that night, it is an astonishing fact that only one albeit the most important one, of the leaders, that is to say, Shaikh Mujibur Rahman himself, was arrested and in regard to him too the position appears to be merely this that he voluntarily submitted to arrest rather than that the Pakistan Army

was able to seek him out. It is true of course that Dr Kamal was also arrested later but on that night at least he had gone underground and was untraceable. It has been suggested that the main reason of this was that the persons employed to arrest the leaders were not familiar with their faces; we think this is too weak an explanation. A contingency plan, as we know, had already been prepared and it surely must have been a part of that plan to arrest these people. It could not, therefore, in the circumstances, have been difficult to assign particular persons for the task of arresting each of them and these persons could easily have been made familiar with the faces of the leaders who during the preceding 10 years at least had been constantly coming to the President's House. Of greater force is the explanation that during this period the Awami Leaguers had been shifting their place of residence from night to night and it was not, therefore, easy to trace where they were on that night. Be that as it may, the fact remains that only Mujibur Rahman, a little later, Dr Kamal Husain were in fact arrested.

81. As against the poor intelligence which the Pakistan Army had, we are willing to believe, as has been suggested, that the sources of intelligence which the Awami League had, were superior, and that they too had reason to believe that action would be taken on that night. But really in the ultimate analysis these issues matter very little. The fact remains that negotiations finally broke down on the 25th, whether designedly or not, we are not at present judging, and the fact remains that military action, which we are compelled to say, was not merely preventive but punitive in nature, was taken. That in an action of this kind there would be a substantial degree of violence entailing the loss of human life and destruction of property was inevitable. But which on the one hand it is stated that no more action was taken than was strictly necessary and that the number of cases of loot, pillage, rape and similar offences that took place was minimal and of the order that might be expected in any action of this kind, on the other, it is alleged that the action was ferocious and vindictive. In order to reach a fair assessment we think it is necessary that certain factors be kept in mind. During the weeks preceding the military action not only had large-scale disturbances taken place but the army had been ordered to keep strictly quiet. The army had been cut off even from food supplies, was constantly subjected to vituperative attack, even at times spat upon and called Yahya's dogs. During this period the supporters of the Awami League and the Mukti Bahini in particular had themselves murdered, plundered and looted people who were considered sympathetic to the cause of one Pakistan or loyal to the Martial Law Administration. Suddenly, not merely allowed but ordered to take action for bringing the situation in hand, the army might naturally be expected to take action that would be in some measure at least, revengeful. It was as if a ferocious animal having been kept chained and starved was suddenly let loose.

82. The official version was that the action taken was strictly in proportion to the necessity and of minimum kind and, even now, we had had several witnesses who have so deposed, particularly most of the senior officers whom we have been able to examine. On the other hand, the outside world was hearing grim and harrowing tales of the most brutal atrocities. We are told for example that whenever the army suspected that a miscreant was in a particular village instead of any attempt being made to secure him or even killing him the whole village was subjected to machine gunning and its inhabitants killed without regard even to age or sex. A number of witnesses including officers, serving in the army at that time, have supported this. We have been told of instances of large groups of men and women brought together and mercilessly put to death. We are also told that it was a matter of very frequent occurrence, for soldiers and even officers to go to the houses of respectable people and forcibly take away young girls for their carnal pleasure, even at times killing the wretched victims after satisfying their own lust. It is impossible today to assess precisely where the truth lies but there are several reasons which have led us to the firm conclusion that a number of these incidents were in any case larger than was later sought to be made out and that there can be no doubt that a very large number of un-provoked and vindictive atrocities did in fact take place.

83. To start with the foreign reporters were forcibly ordered to leave Dacca on the morning of the 26th. This action cannot but give rise to the suspicion that the authorities did not desire that there should be any

independent witness left to give an account of what took place. The explanation given for this is that this was done in order to ensure the safety of the foreign representatives themselves and with no ulterior object. Indeed this was the explanation given to us by General Yahya Khan himself and he stated that much later he was told by the foreign representatives that it was a part of their normal duty to take the risk of danger in order to report the facts as they saw them. General Yahya says he was not aware that this would be the attitude of the foreign representatives. We must confess that, coming from the seasoned soldier, who has served on many war fronts that General Yahya is, this explanation seems to us naive. Surely the General must have known in his previous experiences of war that War Correspondents taken often as much risk as the armed personnel itself in pursuit of their duties.

84. Worse than this, however, is the fact that although the foreign press alleged all kinds of alarming figures during the weeks that ensued, at no time did the Pakistan government authorities ever come out with any statement of figure themselves. Even in the White Paper which the government issued four months after the event while the atrocities committed by the Mukti Bahini in the earlier period were enumerated at length, no figure was mentioned of the killing caused by the Army itself. General Tikka Khan, who was the Martial Law Administrator from The 7th of April onwards, stated before us that the number of people killed was probably about 15,000, but we are told that later in a press interview he gave a figure of 30,000. We are also told that situation reports which are a normal feature of the Army's mode of conducting its own affairs, that were received from East Pakistan, were highly coloured. It seems that local commanders in giving the figures to their own superiors which then in due course came to the Eastern Command and eventually to Rawalpindi, always minimized their own part. We were told by a military officer that quite often what would happen is that a group of persons would be shot at and killed and it would be reported to Commanders that these peoples were resisting the arrest of a wanted man and yet besides the dead bodies could be found no arms.

85. In the absence of any assertion from the authorities as to how many people were killed, much less of any proof thereof, we are forced to the conclusion that wanton and vindictive action was in fact taken from the 25th of March onwards, although we find it impossible to make a reasonable assessment of actual figure.

86. On the other hand we have had clear evidence to show that from time to time Eastern Command issued instructions that there should be no indiscriminate killing or wanton action. This makes it quite clear, we think, that so far from any such thing being indulged in as a matter of policy, steps were taken by those in authority to prevent such action. On the other hand the very fact that it was found necessary to issue such instructions also indicate that complaints had been reaching the General Command, Eastern Command of the occurrence of such incidents. Cases have been brought to our notice where those guilty of taking advantage of the situation to gratify their own lust were duly dealt with and properly punished.

87. A number of incidents of looting, some on a very large scale, have also come to light and there was in particular, one case which involved officers up to the rank of a Brigadier in which currency notes of the value of 2 1/2 crores were looted. A Court of Enquiry was in fact held and we are told that the officers were exonerated. We are of course not holding that they were wrongly exonerated; we cannot, in the absence of an examination of the evidence in that case come to any such conclusion. But this much can be safely concluded that such a crime took place and either that the culprits were left unpunished or that they were not traced.

88. From the account that we have been able to piece together of the March negotiations at Dacca it would appear that disagreement finally centered round the mechanics of the transfer of power rather than on any substantial issue. How did we reach this sorry end, which in turn was allowed to lead to all the horrors of war with the tragic sequel of the separation of a part of the country? Who and in what measure was or were responsible for this end?

89. To a large extent, of course, the danger, if not the certainty, of this result was inherent in the provisions of the Legal Framework Order and the thinking of the authorities that preceded and followed it. We refer to

the deliberate omission in that Order of any provision as to the voting procedure and the apparent absolute indifference displayed by General Yahya to the meaning of the Six Points Programme and the question whether it conflicted with the provisions of the Legal Framework Order which guaranteed the solidarity and integrity of the country. Indeed we are not persuaded that the General did not understand what the Six Points meant or could mean. Even if we assume, what we do not accept, that he was a simple soldier unversed in legal subtleties and, therefore, did not understand the meaning of the Programme, he had available to him at all times the advice of both Professor G W Chowdhry, on whom he relied heavily, and that of one of the most distinguished jurists in the country, namely Mr Justice A R Cornelius. He himself reiterated, on the 26th March 1971, that for those who feared for the integrity of the country, the Legal Framework Order was a sufficient guarantee. We cannot, therefore, avoid the suspicion, if not the certainty, that so far from being unconscious of the implications of the Programme, he relied upon it, as a last resort, for avoiding the unpleasant necessity of transferring power, on the ground that he could not authenticate a document in contravention of the Legal Framework Order. That finally he himself fell from power was the result but hardly the calculated result of his own actions. On these matters, however, we have expressed ourselves in other parts of this Report and do not think it necessary to say more here.

90. Given the situation created by the election results, what did General Yahya do? If he had till then no reason to believe that the Six Points Programme was mischievous in intent or disastrous in result, he should obviously have convened the National Assembly for as early a date as was practicable. If however, he thought a preliminary agreement or a least consultation between the leaders of the Awami League and the Pakistan Peoples Party was necessary he should have summoned them both for a very early meeting. He did neither and only on 6th January 1971, did he visit Dacca for a meeting with the Sheikh which he followed up by a meeting with Mr Bhutto on the 17th January. The Dacca meeting ended, as we have seen, on a note of harmony. The President saw nothing wrong in the Six-Point programme and proclaimed Mujibur Rahman his future Prime Minister. It is true that he warned Mujib that the latter would have to carry the West Pakistani leaders, which the Shaikh purported to be confident of doing. It is to be noticed that neither the Pakistan People's Party nor Mr Bhutto were mentioned by name. Since the president proposed to see nothing wrong in the Six Points why was it necessary for him to visit Mr Bhutto at all; In any case why was it not possible to convene the Assembly forthwith? Nothing had been said to Mujib, much less had the latter said anything, about the need to meet Mr Bhutto before the Assembly met or a date for its meeting was fixed.

91. General Yahya was aware at all times, as few in West Pakistan were, of the mounting tension in East Pakistan. He was being advised constantly by his own representatives there that the postponements were increasing the feeling against West Pakistan and, after the 1st March, when the Assembly was postponed sine die that the situation was getting entirely out of government's control and that Mujib was virtually setting up a parallel government. With this background, the General should have known that if the March negotiations did not succeed in achieving an acceptable solution, the only alternative to accepting whatever Mujib chose to demand was to run the inevitable risk of the secession of East Pakistan by main force. The alternative of military action was real alternative only if it was intended to restore conditions conducive to political negotiation. If this was the purpose then we can see no reason why the situation should have been allowed to escalate even up to the 25th. The failure, to negotiate with the Awami League, therefore, and indeed the absolute refusal to talk to Mujib, who after the 25th was a prisoner in West Pakistan, indicates clearly that this was not the purpose of the military action. Even if the later open intervention by India was not anticipated (and we really cannot understand why it should not have been anticipated) how long did General Yahya mean to keep East Pakistan by force of arms?

92. Nor can we see that the talks did break down in the sense that a point came when the opposing factions agreed that they had failed to find a solution. General Yahya departed from Dacca on the evening of the 25th

but it had not been announced that he was leaving on that date. Although of course his inner circle of military advisers must have known of his programme, not even his civilian aides were aware of his intention and they were still planning to meet the Awami League team on various matters that had arisen during the negotiations. For instance Mr Justice Cornelius in the course of his written statement said:

“On the afternoon of the 24th March, at the conclusion of the meeting with the Awami League team, PSO told me that the President’s orders were that West Pakistan officials who were in Dacca for the talks should leave the next day. I had agreed at the meeting to sit with Dr Kamal Hussain the next day, to discuss ancillary provisions to go into the Constitution. PSO said I could meet Dr Kamal Hussain if I wished, but it would be on my own responsibility. Having little time to make arrangements for departure the next afternoon, and it being by no means easy to get into touch with any Awami League leader, I decided to do nothing about the proposed meeting, and left the next day for Karachi by the 1.30pm plane. In the interval before I left, I had no contact with PSO or Colonel Hassan, and did not see the President. I learnt at Lahore, on the evening of the 26th March, from the President’s broadcast, what action had been taken in East Pakistan. I was not consulted with regard to the speech or the order banning the Awami League.”

93. In the meantime, of course, military action was planned to be launched on the night of the 25th. That the plan existed as a contingency plan well in advance is of course understandable but that on some day during the visit of General Yahya in March a date was settled for its execution and was in fact implemented on that day when negotiations had not, at least, in a formal sense, been broken off, can lead only to the inference that negotiations were being dragged on till that date. When we asked General Yahya why General Tikka Khan took no steps from 7th March onwards to restore law and order his reply was illuminating: he said that General Tikka Khan was waiting for his (General Yahya’s) arrival in Dacca.

94. There seems to us therefore no escape from the conclusion that so far as General Yahya is concerned there was no real intention that the March negotiations should end in any solution. He was fully aware, both of the military and the political situation and this must mean therefore that he was fully determined not to hand over power to the people at this or at any other stage.

95. Curiously enough, the Round Table Conference of 1969, and the Dacca negotiations of 1971 present some remarkable parallels. Both ended on the 25th of March. While the former apparently succeeded though steps in hand to implement the decisions were never finalized, the later seemed to break only on the point of the mechanics of the transfer of power. In both the breaking point, if there was one, were Mujib’s Six-Point Programme. In both it was General Yahya’s discussion with Mujibur Rahman which gives the real key to an understanding of what happened. Finally both were a prelude to military action.

96. We turn to an examination of Sheikh Mujibur Rahman’s role. The question that first arises is whether right from the start Sheikh Mujibur Rahman was bent upon securing secession for East Pakistan or at least a constitution of a confederate character. In various part of this Report we have had occasion to refer to the implication of the Six Points Programme and we have not found it possible to reach any conclusion other than to say that the Six Points programme did mean at least confederation if not eventual secession. There are indications, however, that Sheikh Mujibur Rahman started with the Six Points programme not as a final result which he wanted to achieve but as preliminary means of obtaining a large number of seats in the Assembly and as a position from which it would be possible to negotiate a reasonable set up in which the interest of East Pakistan would be served. We may discount for this purpose such expressions as “the Six Points is not a part of the Gospel: they can be negotiated.” But we must give full weight to the fact clearly established that before the elections he offered the Council Muslim League and the Jamaat-i-Islami a number of seats in East Pakistan which would still have permitted him to obtain the majority of the East Pakistan seats but not to have a clear majority in the whole house.

Quite clearly his purpose was to be able to play the role of the leader of the largest-single party without being under pressure from members of his own party to go through with the Six Points Programme on the basis of an overall majority in the house. This fact clearly establishes that Sheikh Mujibur Rahman, at that time at least, had not decided of secession or even of reducing the centre to so weak a position as to make the unity of the country merely nominal.

97. However, this offer of his was not accepted, with the result that he secured all but two of the East Pakistan's seats. It must be conceded that this position made him, in a sense, the prisoner of his party and less able to resist the demands of the extreme group in his own party. Indeed on the eve of his famous meeting of 7th March 1971, the Sheikh in order apparently to escape the pressures of his own party, asked to be taken into custody. Nevertheless, we think that Sheikh Mujibur Rahman could have shown greater statesmanship than he did and could have brought to Pakistan generally and the people of East Pakistan in particular the return of democratic life accompanied by peace and prosperity. A golden opportunity was presented to him; he could have become Prime Minister of a united Pakistan. Even though the measure of autonomy of East Pakistan would have fallen somewhat short of the Six Points programme nobody could have denied to that wing a much larger measure of autonomy than it had ever enjoyed. In a set up of that kind Mr Bhutto could not have asked for a share in central power and if, for political reasons, it was thought necessary for the Sheikh to associate with himself some representative elected from the West there was surely no scarcity of persons who would have been willing to coalesce with his party. Even on the 7th January 1971, Sheikh Mujibur Rahman was assuring General Yahya Khan of his ability to command a 2/3 majority. Clearly, he was not thinking of collaborating with the Pakistan Peoples Party and he must have, therefore, felt sure of bringing to his own camp some of the smaller parties. Whatever the measure of autonomy, therefore with himself in power both in the province of East Pakistan and in the Central government, he would have been in a position to do exactly what he pleased as to the affairs of that wing. We are unable to see what greater powers he could exercise in relation to East Pakistan on the basis of a constitution embodying the Six Points programme. He would then have been in a position to redress all the grievances that had mounted up in East Pakistan. Whatever the attitude, therefore, of General Yahya and whatever the provocation offered to Sheikh Mujib we think the latter could by agreeing to a constitution more acceptable to the West, have served the interest of the region whose champion he declared himself to be and yet stood as the head of the government of a united Pakistan.

98. There remains the role of Zulfikar Ali Bhutto, Chairman of the Pakistan Peoples Party. As the leader of the majority party in West Pakistan he occupied a key position in the politics of the country, and a special responsibility devolved upon him in the matter of framing the Constitution and preserving the solidarity and integrity of the country. The question is whether he was justified in demanding the postponement of the session of the National Assembly scheduled for the 3rd of March 1971. Was he right in insisting on a grand coalition with the Awami League, and talking of the two-majority theory? And finally, did he act wisely and sagaciously during the critical talks at Dacca immediately preceding the military action of the 25th of March 1971?

99. It is common knowledge that the Pakistan Peoples Party did not make the Six Points programme of the Awami League into an election issue, although it was asserted before the Commission by and on behalf of Mr Bhutto that he did explain to select gatherings of intellectuals in West Pakistan that Six Points programme carried within it the seeds of secession. That may be so, but the fact remains that as far as the Peoples Party was concerned it had taken no public stand in the matter during the election campaign, and was not therefore committed to any positive position in this behalf. In these circumstances, the Commission has been unable to appreciate the stand subsequently taken by the Chairman of the Peoples Party, after the elections had been held and the session of the National Assembly had been convened, that he wanted time to elicit public opinion and support in the matter before attending the Assembly. We have also not been able to understand on what democratic and parliamentary principle could Mr Bhutto demand that the Awami League leadership should

enter into a compromise or make concessions in the Six Points programme before the meeting of the National Assembly. It has to be remembered that, rightly or wrongly, the Awami League had won a mandate from the people in East Pakistan in favour of its Six Points programme, and could hardly be expected to announce a deviation therefrom without discussion and debate, and give and take on the floor of the House.

100. The same remarks apply to the insistence of the Peoples Party that no Constitution could be made without its concurrence, although Sheikh Mujibur Rahman had obtained an absolute majority in the National Assembly and was also confident of gaining the support of minority parties of West Pakistan. The Peoples Party had succeeded in obtaining a majority of the seats of the National Assembly only in two of the federating units in West Pakistan, namely, the Punjab and Sind. If the Awami League could not represent the whole of Pakistan in spite of its absolute majority in the National Assembly, then on the same reasoning the Peoples Party could not speak on behalf of all the four federating units in West Pakistan. In other words, once the democratic principle of majority was rejected, the consensus insisted upon by Mr Bhutto had to be of all the five federating units of Pakistan, but that was not the demand made by the Peoples Party. It is clear to us therefore that the Peoples Party was not justified in demanding concession from the Awami League before the meeting of the National Assembly, nor was it justified in demanding postponement of the National Assembly session, for the ostensible purpose of wanting time for educating public opinion in the Western wing with regard to the implications of the Six Points. The only proper course for the party was to participate in the meeting of the National Assembly and to advocate its point of view on the floor of the House.

101. We cannot also help feeling that the Chairman of the Peoples Party displayed lack of political foresight by failing to make a proper assessment of the intensity of the reaction likely to be created in East Pakistan by the postponement of the date of the National Assembly. He frankly conceded before the Commission that he did not expect that East Pakistan would react so violently. Mr Bhutto had made little effort to establish his party in the Eastern Wing, and did not have any real sources of reliable information in that Wing. The press and the government-controlled news media gave little or no information to the outside world of what was happening in East Pakistan. Nevertheless when he visited Dacca in January 1971, for parleys with Sheikh Mujibur Rahman, he must have formed a personal assessment of the tensions which were building up in that province owing to delay in the summoning of the National Assembly. He could not have failed to see that this delay was being interpreted by East Pakistan as a deliberate move, on the part of the military regime, to deny to the majority province that share in the governance of the country to which it was entitled on the basis of the election results. In this context, it has to be said that Mr Bhutto failed to show proper understanding of the mood in East Pakistan and of the consequences of his insistence on postponement of the National Assembly. His threats to the members of the smaller parties of West Pakistan were equally misconceived and ill-advised.

102. The fact that Mr Bhutto had also offered an alternative suggestion, at his meeting of the 28th of February, 1971, at Lahore, regarding the waiving of the time limit of 120 days does not in any manner detract from the remarks we have just made, as Mr Bhutto was fully aware that for one reason or the other General Yahya Khan had come to regard the time limit prescribed by the LFO as sacrosanct. Mr Bhutto had not raised the point at any earlier state, and accordingly it is difficult to say how seriously it was meant to be taken. If indeed it was a considered alternative offered by the Peoples Party, then there is no explanation why it was not put forward before the then President or the nation at the various meetings, and press conferences held by Mr Bhutto in this regard before the 28th of February, 1971.

103. Inherent in Mr Bhutto's demand for a consensus on the framing of the Constitution was the two-majority theory, namely, Awami League in East Pakistan and the Peoples Party in West Pakistan. This theory was also the basis of the demand made by the Peoples Party for a 'grand coalition' at the Centre. It has been suggested that General Yahya Khan was also sympathetic to this demand and had recommended it to Sheikh Mujibur Rahman. We have heard criticism of this demand on the ground that in a democratic parliamentary

form of government it is the right of the majority party to assume power, and a majority party, howsoever large, has no right to insist that it should also be associated with the government. Critics of the Peoples Party have vehemently condemned Mr Bhutto's remarks addressed to Shaikh Mujibur Rahman (*Ham Yahan, Tum Wahan* i.e. We here and you there, meaning thereby that Peoples Party should rule in West Pakistan and the Awami League in East Pakistan).

104. It was explained by Mr Bhutto, at one of his press conferences in Karachi during the middle of March 1971, that he had been misquoted, and that what he intended to say to Sheikh Mujibur Rahman was that "we shall come to the Central government from here and you should come from there," and not that we should each rule separately in the two wings of Pakistan. However, a close examination of the remarks attributed to the Chairman of the Peoples Party leaves no doubt that he was indeed referring to two autonomous governments functioning in each wing as parts of a Confederation. The remarks were made at a public meeting at Karachi on the 14th of March 1971. In fact they were in the nature of a demand addressed to Sheikh Mujibur Rahman in the context of the situation created by the Awami League consequent upon the postponement of the session of the National Assembly. By the middle of March 1971, the Awami League had virtually become independent of the Central Authority at Islamabad. Mr Bhutto categorically stated before the Commission that he had put forward this demand only because the majority party wanted a Confederation and not a Federation. He stated that from the 1st March onwards not only was the Sheikh Mujibur Rahman saying that the Six Points admitted of no compromise but was also behaving as if he was the de-facto and de jure ruler of a sovereign state. It is clear, therefore, that the demand made by Mr Bhutto at a public meeting in Karachi on the 14th of March 1971 amounted to an acceptance of the idea of Confederation rather than its outright rejection. However, we are prepared to accept the explanation that this demand was in the nature of an emotional and political reaction to the situation created by the Awami League and was not an expression of the political philosophy of the People Party. Nevertheless it did create serious misunderstandings at the time it was made.

105. As regards the part played by Mr Bhutto at the crucial talks with the Awami League during the critical days of March 1971, we have already stated that there was no direct meeting between Mr Bhutto and Sheikh Mujibur Rahman. It has also been brought out that in the fact analysis the talks broke down not because of any fundamental disagreement on the substance of the transfer of power, but merely as regards the procedure to be adopted. It is significant that when power was at last transferred to Mr Bhutto in December 1971, of course in tragic circumstances, it was done by means of a simple proclamation issued by General Yahya Khan. Viewed in this context, it is a sad reflection on the wisdom and sagacity of the political leaders and the advisers of General Yahya Khan who participated in the parleys at Dacca that they could not agree on the mode of transfer of power, little realizing that their failure was eventually to lead to the dismemberment of Pakistan. We must, however, add, in fairness to Mr Bhutto, that there was no formal breakdown of talks between the Peoples Party and the Awami League, and all that happened was a sudden termination of the parleys owing to the clandestine departure of General Yahya Khan from Dacca on the evening of the 25th of March, 1971. It is only a matter for speculation whether any different result might have been achieved if Mr Bhutto, as the leader of the majority party of the Western Wing, had taken a bold initiative for a direct dialogue with Sheikh Mujib before accepting the final breakdown.

106. In his broadcast of the 26th March, 1971, General Yahya Khan, after giving a resume of the negotiations at Dacca and the reasons for their failure, went on to reaffirm his intention to transferring power to the electoral representatives of the people at the earliest possible opportunity. He stated that he would, as soon as the situation permitted, take fresh steps towards the achievement of this objective. In the course of this broadcast he stated that he had tolerated repeated illegal acts of Sheikh Mujibur Rahman who could and should have been tried for treason, merely in the hope that he would thereby be enabled to achieve a solution

of the country's difficult constitutional problem. In view of the attitude of Sheikh Mujibur Rahman, he said, he had banned the Awami League and also all political activity throughout the country. He noted that political activity was banned not only in the East Wing but also in the West. It might also be noted that the General did not go on to dilate upon the result of the banning of the Awami League, namely whether or not this would mean that the members of the Awami League would cease to be regarded as elected MNAs and MPAs. Obviously, if they were to lose their seats, the calling of any fresh assembly would entail what would virtually be a general election in the East Wing. The broadcast gave no hint of how and when fresh steps would be taken towards a constitutional solution.

107. The question has arisen whether in the tragic months that ensued up to the outbreak of open war with India on the 20th November, 1971, there was any chance of a politically negotiated settlement with the Awami League and, therefore, of the entire constitutional problem of the country. The military action commenced on the 26th March; irrespective of its necessity or propriety and regardless of the scale on which it was taken, it could not be regarded as more than a temporary solution. It could only be effective, if successful, in restoring law and order and a comparatively calm atmosphere in the course of which a political solution could be negotiated. Those in authority never purported to take the action as a final solution though in retrospect one cannot avoid at least a suspicion that the military junta thought of it as a solution in itself.

108. We are told that the action was, at least in as far as the violence and disorder is concerned, eminently successful and witnesses, specially senior military officers, whose word we have no reason to doubt have said that the situation got progressively better until in June it was as good as it could possibly be and, in any case, as good as it ever eventually became. This perhaps was the time, if at all, when a course of political negotiation could have been resumed if the military action was intended only to be a prelude to a political solution. On the 28th June 1971, General Yahya Khan made a broadcast to the nation again in which he spoke with sorrow of the recent happenings in East Pakistan which he said for him personally had been the cause of distress and disappointment. He emphasised once again that his aim had always been to restore democracy in the country and to ensure justice to each region in Pakistan and, in particular to meet the legitimate demand of East Pakistan. After short summary once again of what had transpired between him and the Sheikh, he reminded the people that he had even on the 26th March announced that he would continue in the pursuit of his main aim, namely the transfer of power. He stated that there was no question of holding any fresh election and that, although he had banned the Awami League as a political party, the MNAs and MPAs elected of that party continued, he said, to retain their status as such in their individual capacities except that such of them as had taken part in anti-state activities or had committed criminal acts would forfeit their seats. In the meanwhile, he asked such MNAs and MPAs who had nothing to do with secessionist parties to come forward to rebuild the political structure of East Pakistan. We pause at this stage to say that in fact a screening of such MNAs and MPAs had already taken place which resulted in the clearing of 88 persons as MNAs it has been suggested that this number was not merely the accidental total of persons who had been cleared on their own merits but was the rough approximation of a figure that had been kept in mind so as to ensure, that in the National Assembly, which then sat, the Awami League (to use a convenient expression though it did not exist as such) should be larger in number than Pakistan Peoples Party though of course it should not have an overall majority. This is not impossible but we find it difficult upon the material before us to come to a clear conclusion that such was the intention.

109. During this broadcast the General said that he had come to the conclusion that the task of framing the Constitution by the Assembly was not feasible and that, therefore, he would be forced to frame a Constitution himself subject to amendments to be passed, if at all, by the Assembly on the basis of an amending procedure to be laid down in the Constitution itself, i.e. by himself. He promised to consult the various parties on the draft when it was ready. It is surprising that the General had started with a Legal Framework Order which virtually

gave the Constitution itself except that it failed to make provision on what was likely to be the most inflammable issue which would arise. He then went on to allow a campaign to take place on that very issue and even after East Pakistan voted almost solidly in favour of the Awami League's view point he appeared not to realize either the seriousness of that verdict or the fact that it conflicted with his own Legal Framework Order and yet now, after months of postponement and procrastination, violence and counter violence during the course of which a great number of innocent lives were sacrificed both of East Pakistanis and of Pakistani soldiers, a great deal of property subjected to wanton destruction, General Yahya comes to the conclusion that the people of Pakistan are incapable of framing a Constitution and that one must be given to them. This is not the time or the place to consider the validity of that conclusion. We pause only to remark upon the political understanding and capacity of a man when such tragic events could convince of this incapacity of the Pakistani people and yet who blithely took upon himself not merely the government of a country after so severe a political crisis as occurred early in 1969 but also undertook to steer it through that crisis to an era of democratic government.

110. We would have imagined, therefore, that between June and August 1971, was the ideal time at which the attempt should have been made towards the reconciliation. It is obvious not only now but it was obvious even then not only to outside political observers but even to those in government, as they have now deposed before us including General Yahya himself, that a military action could only be justified as a means of securing an atmosphere peaceful enough to attempt once again a political solution. Political problems do not admit of any but political solutions and a military solution, even if it was possible, could be proper only to an external power which had, by force of arms, arrogated to itself the government of the country. It was certainly not the prerogative of the government of a country to use military powers against its own people.

111. No serious attempt, however, seems to have been made then or later to resume negotiations with the Awami League and in the face of the public statement of General Yahya that there was no question of a fresh election, we are unable to see who else was competent to negotiate on behalf of the people of East Pakistan. It has been said that the real difficulty in such a settlement was the fact that there was hardly any Awami Leaguer who had been cleared and who was available in Pakistan, as most of these had fled across the border and were either in India or in foreign countries propagating their cause with a view to influencing world opinion in their favour. Indeed the main leaders of the party were admittedly in India with the exception of Sheikh Mujibur Rahman and Dr Kamal Hussain. We are not impressed with this explanation. It is futile to say that the main leaders were not available when Sheikh Mujibur Rahman was a prisoner at the disposal of General Yahya any time that he wished. It is possible, of course, that if asked to negotiate with General Yahya, Sheikh Mujibur Rahman might have been bitter and unresponsive and indeed might have refused point-blank to talk at all. We do not, however, think that such a result should have been taken for granted. It may well be that, faced with the reality of what had happened in East Pakistan and having had time for what must have been said reflection, away alike from the pressure of his partymen as from the heady sense of power which the overwhelming victory in East Pakistan had given him, the Sheikh might have been inclined to take a milder line or at least been persuaded to see that a milder line was in the interest as much of East Pakistan as of Pakistan as a whole. We of course do not take it upon ourselves to state with certainty what his reaction would have been. We make the point that no attempt at all was made to negotiate with Sheikh Mujibur Rahman.

112. We have it now on good authority that the General was receiving advice from foreign powers, including those who were most friendly to us, urging upon him the importance and even the necessity of finding a political solution and, if not expressly at any rate in terms of clear implication, the suggestion was being made to him that he must talk with Sheikh Mujib. Although the General in his answers assured such dignitaries that he was committed to the pursuit of a political solution, upon this one point, however, General Yahya was absolutely adamant; the one person to whom he would not talk was Mujibur Rahman. Instead

Mujibur Rahman was arraigned before a military tribunal for high crimes including treason. We are not for a moment attempting to judge whether, as a matter of pure law, the Sheikh was or was not guilty of treason. Although we are all Judges ourselves we are only too conscious of the fact that the legal definition of crime, particularly treason, has little meaningful relationship to the political crisis that the country was then facing and we have in any case not examined the evidence led at the trial, a consideration of which alone can justify a proper finding. But what after all was the purpose of the trial? Was it merely to punish Sheikh Mujib in the same ordinary way in which the law takes cognizance of all crimes or was it to prove to the world and to the people of Pakistan that Mujibur Rahman had indeed been guilty not merely of political mistakes but of serious and anti-national crime? If this was the purpose it was hardly served by trying him before a military court which was held in camera and about whose proceedings the public received not the slightest information. We contrast this with the earlier trial of Sheikh Mujib in the Agartala Conspiracy case which was presided over by three judges of the Superior Courts of Pakistan and which was given abundant publicity in the press. Here, instead the public was not even aware as to when and where the trial commenced or when it ended. Great fanfare was made of the fact that a counsel of Mujibur Rahman's own choice and an eminent advocate in his own right was engaged at government cost to defend him, but the evidence before us shows that, although at first Sheikh Mujib did participate in the trial, after he had learned that General Yahya had made a broadcast, to which we have referred already on the 26th March, 1971, and in which he publicly branded Mujibur Rahman as a traitor and declared that his crime would not go unpunished, he disassociated himself from any further participation in the trial. Curiously enough, however, the presiding officer of that tribunal who has given evidence before us told us that although it was not usual for military courts to assign reasons for their decisions, in this particular case at the special instructions of General Yahya himself an elaborate judgement containing the reasons had been prepared through it was never announced.

113. There were, besides, other possibilities also of negotiating with the East Pakistani political leaders. For instance, contacts had been established through one of our embassies abroad with Awami Leaguers but nothing came out of this meeting and we are left with the impression that no keen desire was shown by the government here to enter into any such negotiation. We have also been told of the possibility which seemed to open up of a direct talk with India also whose hand in the rebellion or insurrection, if it may be so called in East Pakistan, by now hardly admitted of concealment and whose future intention of interfering more openly was or at least should have been clearly anticipated. At an international conference one of the secretaries to government was the leader of the Pakistan delegation and there he met the leader of the Indian delegation who was of the rank of a Cabinet Minister. Despite the disparity in rank, however, the Minister approached the Secretary and indicated India's willingness to talk over things. On his return to Pakistan the secretary attempted as was his duty to communicate this to General Yahya. Such was the organization of the government at that time, however, that the secretary had no direct access to the President, although we should have thought that in a government which had no ministers, the secretary, as head of a ministry, should not have found any difficulty in obtaining admission to the President's presence. We are told that weeks passed before he had any intimation as to whether or not his request for an interview had been granted and it was then ultimately refused. He managed, however, after a great deal of waste of time to see the Principal Staff Officer, General Pirzada, but the government apparently failed to pursue the matter. We are not of course suggesting that the message that the secretary had brought was so certain of yielding fruitful results that the failure to respond to it is the sole or even an important cause in the attitude which India later took nor are we suggesting that negotiations with the Awami Leaguers or with Sheikh Mujibur Rahman would necessarily have resulted in a happy settlement. We do, however, consider it remarkable that instead of feeling a strong sense of urgency in the pursuit of a solution, the government adopted a lackadaisical attitude which we can contemplate now only with profound dismay.

114. In the meantime, the President announced that bye-elections would be held for the seats vacated by such of the MNAs in East Pakistan as had not been cleared. These were in fact held and it is now admitted on all hands that they were nothing short of farce. It was thought that campaigning would be a difficult matter and it would be best that parties should agree upon a division of the seats between themselves and in respect of each constituency one party should put up a candidate who returned unopposed. To dignify such arrangements by the name of elections seem to us ridiculous. Even so the parties were unable to agree between themselves and quite often Gen. Farman Ali arbitrated between the parties and virtually nominated the candidates. There was of course no campaign and one reads the text of the material part of the broadcast of 28th June with a sense of irony:

“Considering the need of the people I feel assured that the campaign for these bye-elections will be based on the principles contained in the Legal Framework Order. No one will tolerate the propagation of views which tend to mitigate against the integrity of Pakistan. I also feel that the campaign should be a brief one.”

Each one of these sentiments if they had been expressed at the beginning of the general elections might have made all the difference to the history of this unhappy country. The same Gen. Yahya allowed very nearly a year for the first campaign. The same Gen. Yahya then said nothing about toleration of views which would militate against the integrity of Pakistan nor about adherence to the principles of the LFO.

115. Leaders of the parties whose candidate was successful in these peculiar bye-elections have themselves now deposed before us that the elections were an absolute sham. Some have told us of persons who were elected and who did not even know that they were candidates. To expect of persons elected in this fashion that they would command the confidence of the people or that they would be in a position to negotiate on their behalf must obviously have been an empty hope. We have been constrained to find, therefore, that no effort whatever was made after the military action to follow it up by any attempt to seek a political solution and it is open to severe doubt whether it was ever intended to do so.

116. It remains to say that in this broadcast of June 1971, an exact time was not indicated when the plan announced would be launched. It was emphasized, however, that a reasonable amount of normalcy must return to the country before the government could think in terms of transferring power. All that was stated, therefore, was that power would be transferred as soon as possible. An approximate period of four months was indicated though the precise timing was to depend upon the internal and external situation at the time.

Annexure 'A'

My Dear Countrymen,

I addressed you last on the 28th of July. Since then a number of developments have taken place in the country in various sectors and certain specific actions have been taken by my Government to lead the country forward towards the main objectives that I had outlined in that Address.

The country is facing some serious problems today and the concerned departments of the Central as well as the provincial governments have been taking steps to resolve them. Apart from the political and constitutional problems, the most disturbing one to my mind and the one that affects the lower income groups in particular is the rise in cost of certain essential commodities. The rise in cost, I may add, is the result of the economic situation inherited by this Regime. My government has however carried out a very careful examination of this matter and I would like to state briefly some of the measures taken by us to improve the position.

The price situation has remained under severe pressure, particularly in the matter of foodgrains in East Pakistan. The food gap in East Pakistan to the tune of seventeen lakh tons has had its inevitable effect on prices. Nevertheless, we have taken all steps to cover the entire gap. Half a million tons of wheat and rice are being shipped from West Pakistan and nearly one million tons of wheat has been programmed under Public Law-480 from the United States, with shipments starting immediately. In addition, 350,000 tons of wheat and rice have been arranged under various programmes from Burma, Japan, West Germany, Canada, Australia and France. These arrangements have already resulted in a certain amount of reduction in prices of foodgrains in East Pakistan. Steps have also been taken to increase the availability of edible oils in both wings. We will keep the price situation under constant review.

The economic problems today are inherent in the difficult challenge we face for abolishing poverty and ignorance from the country. Our requirements are growing in every direction. Our population is increasing each year by about four million. Our urban areas are expanding fast. Our public facilities and social services are under constant strain. As the events of this year showed, more has to be done in every field despite the limitation of our resources. We must provide a meaningful life to our people. We must have the prospect of visible improvement, in their living conditions. This can be done only through a planned and disciplined national effort.

The economic strains created by political disturbances early this year have not yet fully disappeared. Economic activity has not gathered its full momentum, fresh investment is slacker than usual and the growth of exports is less than expected. My government is reviewing the entire situation and will take all necessary measures to restore the health of the economy but this is a task that the government alone cannot accomplish. Businessmen, industrialists, labour, the exporters, and the agriculturists all have to work jointly with the government to make their full contribution to the country's economic progress.

The next subject which I would like to mention is the problem of corruption amongst government servants. Investigations carried out by the government during the past few months have resulted in the identification of certain very serious cases of corruption, misuse of office and misconduct amongst Class-I gazetted officers. After due deliberation and careful examination of such cases I have decided to take action against a number of officials under Martial Law. I hope this would be a lesson to all concerned. The rest of the Class-I gazetted officers should devote themselves whole-heartedly to the performance of their duties in their various fields and be public servants in the true sense.

I would like to make just one more point in respect of the services. I had indicated to you earlier that I would set up a high powered committee for the reorganization of the structure of the civil services in the

country. This has now been done. Details in respect of this committee including its terms of reference have appeared in the press. It is my hope that the committee's recommendations would show the way towards giving this country a clean and efficient administration.

As you all know, with the appointment of the Council of Ministers at the Centre and the Governors in the Provinces, Martial Law does not now deal with the normal day to day civil administration. It is, however, very much in support of the administration and is used whenever it is considered necessary. To some of you, the withdrawal of Martial Law in the background has been a disappointment but since one of my objectives has been the return of normal civil government, I considered it necessary and proper to take this step.

A word about labour, education and agricultural reforms. In the field of labour-management relations, a new Ordinance has been promulgated which allows for collective bargaining and which I hope would be used both by labour and management in the best interest of production. I would urge both sides to exercise a sense of responsibility and to ensure that this Legislation is used for mutual benefit and for the benefit of the nation as a whole. I have directed the Governors and Martial Law administrators of the two provinces and zones to pay particular attention to this matter and to ensure that anyone found to be taking the law in his own hands is severely dealt with. Law-abiding workers as well as management will receive full protection from the forces of Law and Order.

As regards educational reforms, I may mention that these are very shortly coming up before the Council of Ministers for a final decision.

With regard to the proposals for improving the lot of our peasantry you are aware that a committee is already busy with formulating its recommendations and in keeping with my policy in all sectors, this committee would also consult progressive farmers and people who have practical experience in this field.

Now I come to the political and constitutional problems facing this country. In my last address I had expressed the hope that the political leaders of the country would come up with a consensus on certain major issues relating to our future Constitution. It is regrettable that they have not been able to do so, but one can understand and appreciate their difficulties. I had, however, continued with my discussions with individual political leaders and others concerned with these problems since I spoke to you last and while no formal consensus has been produced, I am now fully aware of the views that various people hold on these important matters.

Ever since the responsibility for the administration of this country devolved on me, one of the most important problems which has been agitating my mind is the mode of transfer of power to people's representatives.

My aim is to transfer power to the elected representatives of the people but this aim cannot be achieved without a Legal Framework. This, as you know, is not available to us today. It is, therefore, necessary for me, in my capacity as the President and Chief Martial Law Administrator of this country, to take initiative in this matter. I have naturally given deep thought to this problem and could think of four possible alternatives whereby a Legal Framework for the holding of elections could be evolved.

One method could be to have an elected constitutional convention whose task would be to produce a new Constitution and then dissolve itself. This would have been a neat arrangement but then it had certain disadvantages; the main one being that it would have involved two elections; one election to the Convention and the other to the National Assembly based on the Constitution made by such a Convention. The other and more serious disadvantage of this procedure would have been that it would cause unnecessary delay in the transfer of power. The next alternative was to revive the 1956 Constitution but there is widespread opposition to adopting such a method in both wings of the country because certain features of that Constitution such as One-Unit and Parity are no longer acceptable to the people.

The third alternative was to frame a Constitution and have a referendum on it in the country. This alternative too has certain practical difficulties as a simple 'yes' or 'no' by way of an answer cannot possibly be given by the people to such a comprehensive document as a Constitution.

The fourth alternative was for me to evolve a Legal Framework for general elections on the basis of consultations with various groups and political leaders as well as the study of past constitutions of Pakistan and the general consensus in the country. This proposal from me would only be in the nature of a provisional Legal Framework.

After careful thought, I have decided to adopt this fourth alternative, namely, to evolve a Legal Framework for holding elections to the National Assembly. As I had mentioned in my July Address, it became evident to me that the three main issues that face us as a nation in the constitutional field are — firstly, the question of One-Unit, secondly, the issue of one-man-one-vote versus Parity and thirdly, the relationship between the Centre and the federating provinces.

As discussions on constitutional matters went on in the country during the past few months I could see that the first two of these issues would have to be resolved before the elections are held because they are connected with the basis for elections and with the setting up of the National Assembly. As regards other constitutional issues such as the Parliamentary Federal Form of government, direct adult franchise, fundamental rights of citizens and their enforcement by the law courts, independence of the judiciary and its role as the custodian of the Constitution and the Islamic character of the Constitution which should preserve the ideology on which Pakistan was created, there is no disagreement and these can be considered as settled.

With regard to the three major issues as referred to by me, opinions were divided and I made it clear in my last address that these must not become election issues. I am glad to find that differences on these issues have now begun to narrow down. This is a good sign. Although no formal all party meetings have taken place, through statements both to the Press and during party meetings, most political parties have now come quite closer in their thinking on these issues. Also, during my tours in various parts of the country, it became quite clear to me that there is hardly any difference amongst different sections and groups of people on these questions. This has lent further strength to my initial reaction that these matters should not become election issues because by a natural process of discussion and sober thinking, we seem to have come closer to solving these issues and great harm would be caused if these are pitched back in the election arena as there is danger of these issues creating unnecessary bitterness on emotional grounds and thereby causing delay in the peaceful transfer of power.

I would now like to summarize what I consider to be the generally accepted views on these three important questions.

On the question of One Unit, there appears to be a general desire to revert to the system of separate Provinces instead of the present arrangement of One Unit for the whole of West Pakistan.

On the question of one man one vote also, it has, by and large, been recognized in the country that this is a basic requirement of any democratic form of government and therefore not only in the East Wing but also in the West Wing, it is now generally accepted that we should base our representation on this form of voting. As stated by me, the question of One Unit and the system of representation have to be decided before elections can be held and a machinery can be set up to finalize the country's Constitution. I, therefore, have decided to resolve these two issues on the following lines: -

One unit will be dissolved and separate provinces will come into being. I may add here that One Unit was created by executive orders which, however, were subsequently approved by the Provincial Legislatures and by the Second Constituent Assembly. In 1957, the West Pakistan Legislature had voted in favour of the dissolution of One Unit. If Martial Law was not imposed in 1958, One Unit might have been dissolved long ago.

I would also like to remind you that when Pakistan was created, it was not on the basis of One Unit but it was on the basis of various provinces in the Western Wing. The people of both East and West Pakistan are almost unanimous in demanding the break up of One Unit. My decision is therefore based on popular wish.

Similarly, in deference to the wishes of the people I have accepted the principle of One-Man One Vote and this democratic principle will be the basis of election for the future National Assembly.

As regards the relations between the Centre and the Provinces, you would recall that in my July broadcast I pointed out that the people of East Pakistan will not have their full share in the decision-making process on vital national issues. I also said then that they were fully justified in being dissatisfied with this state of affairs. We shall therefore have to put an end to this position. The requirement would appear to be maximum autonomy to the two wings of Pakistan as long as this does not impair national integrity and solidarity of the country.

One of the main aspects of the whole relationship between the Centre and the Provinces in Pakistan today lies in the financial and economic spheres. Federation implies not only a division of legislative powers but also that of financial powers. This matter will have to be dealt with in such a manner as would satisfy the legitimate requirements and demands of the provinces as well as the vital requirements of the nation as a whole. People of the two regions of Pakistan should have control over their economic resources and development as long as it does not adversely affect the working of a national government at the Centre. The people of East and West Pakistan are bound together by common historical, cultural and spiritual heritage. There is, therefore, no reason why we should not be able to work out a satisfactory relationship between the Centre and the Provinces in Pakistan wherein people of both the Wings shall live together as equal and honourable partners.

I would like now to give you the details of the time-table to which we should work for change over of power to the elected representatives of the people. First, the provisional Legal Framework for holding elections should be ready by the 31st of March 1970. Next, as already announced by the Chief Election Commissioner, the electoral rolls will be ready by June 1970. With the completion of the electoral rolls the Election Commission will be engaged in delimiting the various constituencies both for Central and Provincial elections in accordance with the provisions which will be made in the Legal Framework. As you are aware, delimitation is finalized after hearing the objections, if any, from the people. Therefore some time has to be given to this task. Further, there are climatic difficulties for holding elections both in East and West Pakistan from the 1st of June to the end of September. I have, therefore, decided to hold general elections in the country on the 5th of October 1970. The Provincial elections will be held after the National Assembly completes its task of Constitution making. The Assembly will be required to complete this work within a period of 120 days from its first sitting. I would be happy if they can finalize it even before the expiry of this period. If, however, they are unable to complete the task by the end of the stipulated period, the Assembly would stand dissolved and the nation will have to go to polls again. I hope and pray that this does not happen and I would, therefore, urge the future elected representatives to undertake this task with a full sense of responsibility and patriotism.

As regards the voting procedure in this National Assembly, it is important to appreciate that the Assembly will be deciding upon basic constitutional issues. Constitution is a sacred document and it is agreement to live together. It cannot be compared to any ordinary Law. It is, therefore, essential that the voting procedure to be evolved by the Assembly for itself should be just and fair to representatives of all regions of Pakistan. After the Assembly has completed its task and the Constitution made by it has been duly authenticated, it will assume the character of Pakistan's Constitution. The stage would then be set for the formation of the new government.

Throughout these activities Martial Law will remain supreme in order to give support to the programme of peaceful transfer of power to the elected representatives of the people.

My dear countrymen, I would once again like to stress upon you that we are passing through the most critical stage of our national life. There is need for every single one of us to realize this fact and act in a

sober, objective and patriotic manner. Let us all eschew parochial interests and cast aside personal or local considerations. Let each one of us say to himself that he will contribute everything in his power to make this nation strong and prosperous. On my part I have placed before you a programme which I consider, in all sincerity and honesty to be the most acceptable to the general mass of our people and to be entirely in the interest of Pakistan.

I have full faith and confidence in our people. I have also full faith in the destiny of our country which was created on the basis of our ideology and at the sacrifice of the lives of one million Muslims. Democracy was the driving force during the movement for Pakistan and I sincerely wish to adhere to democratic principles.

Finally, I would like to say that in view of the programme outlined by me, full political activity will be allowed in the country with effect from the 1st of January 1970. The Martial Law Regulation, prohibiting such activities, will be duly cancelled. I may, however, add that I am not prepared to tolerate any obstruction in the way of the restoration of democracy. Any individual or any group which creates law and order problems and indulges in acts of violence will be severely dealt with because democracy implies tolerance and refutation of the use of force. All political activities must therefore accord with certain norms of behaviour. In this behalf I propose to issue certain guidelines in the near future.

Let us now all go forward together and achieve this transfer of power in a peaceful and civilized manner. God bless you all.

Pakistan Paindabad.

Annexure 'B'

Proclamation

Whereas by the Proclamation of Martial Law made on the 25th March, 1969, all powers had been assumed by me, General Agha Muhammad Yahya Khan, H. Pk., H.J., as Chief Martial Law Administrator and Supreme Commander of the Armed forces of Pakistan, and thereupon I had assumed the office of the President of Pakistan;

And whereas with a view to transfer power to the elected representatives of the people, elections have been held;

And whereas it is necessary to transfer power to the representatives of the people, so elected, to create proper atmosphere in the country, conducive to the early framing of a Constitution for Pakistan;

And whereas it is expedient to withdraw the operation of Martial Law:

Now therefore, I General Agha Muhammad Yahya Khan, H. Pk., H.J., do hereby declare that Pakistan shall cease to be under Martial Law and Proclamation of 25th day of March, 1969, shall stand revoked in a Province with effect from the day on which the Provincial Governor takes his oath of office, and shall, in any event, stand revoked throughout Pakistan at the expiry of seven days from the date of this Proclamation.

1. Proclamation to override other laws. — this Proclamation and any order made thereunder shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force.

2. Definitions. — In this Proclamation, unless there is anything repugnant in the subject or context;

- a) "the Centre" means the Republic;
- b) "the Central government" means the executive government of the republic;
- c) "Centrally Administrated Areas" means the territories described as such in the Province of West Pakistan (dissolution) Order, 1970;
- d) "Commencing day" means the day on which this Order comes into force;
- e) "Interim period" means the period commencing from the commencing day and ending in the commencement of the Constitution to be framed by the National Assembly;
- f) "Islamabad Capital Territory" means the territory described as such in the Province of West Pakistan (Dissolution) Order, 1970;
- g) "Late Constitution" means the Constitution of the Islamic Republic of Pakistan, 1962;
- h) "Martial law" means the Martial Law imposed by the Proclamation of the 25th day of March 1969;
- i) "Martial Law Authority" includes any person or body of persons or any Court authorized by or under any Martial Law Regulation or Martial Law order to perform any function or to exercise any power under such Regulation or Order;
- j) "Martial Law period" means the period beginning on the 25th day of March 1969, and ending immediately before the commencing day;
- k) "National Assembly" means the National Assembly elected under the president's order No.2 of 1970;
- l) "President" means the Islamic Republic of Pakistan;
- m) "the Republic" means the Islamic Republic of Pakistan;
- n) "Schedule" means schedule to the Order;
- o) "State of Bangladesh" means the territory known by the name of Province of East Pakistan immediately before the commencing day;
- p) "States of West Pakistan" means the respective territories known by the names of the Province of the Punjab, Sind, North- West Frontier Province and Baluchistan immediately before the commencing day;
- q) "State Assembly" means the Assembly of a State;

- r) "State Government" means the executive government of a State;
- s) "State legislature" means the legislature of a State.

4. Revocation of Proclamation of Martial Law.— Upon the Proclamation of Martial Law made on the 25th day of March 1969, being revoked, the Martial Law Authority, including all Courts and persons deriving authority from or under the Proclamation, shall cease to exist and function.

5. Repeal of Martial Law Regulations, etc. and continuance in force of existing laws.—

- i) All Martial Law Regulations and Martial Law Orders and the Provisional Constitution Order are hereby repealed.
- ii) All existing laws shall, subject to this Proclamation continue in force, so far as applicable and with necessary adaptation, until amended or repealed by the appropriate legislature.
- iii) For the purpose of bringing the provisions of any existing law into accord with the provisions of this Proclamation in relation to laws in the Central legislative field, the President, and in relation to laws in the State legislative field, the Governor of the State concerned may by Order, make such adaptation, whether by way of modification, addition or omission, as he may deem necessary or expedient, and any order so made shall unless otherwise provided therein, take effect or be deemed to have taken effect on the commencing day.
- iv) Any Court or tribunal or authority required or empowered to enforce any existing law shall, notwithstanding that no actual adaptation has been made in such law by an Order made under subparagraph (3), construe the law with such adaptations as are necessary to bring it in accord with the provisions of this Proclamation.
- v) In this Article, 'existing law' means any Act, ordinance, order, rule, regulation, bye-law, notification or other legal instrument which, immediately before the commencing day, had the force of law in Pakistan or any part of Pakistan or which had extra-territorial validity.

6. Pending proceedings, Protection and Indemnity.—

- i) Every case pending immediately before the commencing day before a Special Military Court or in a Summary Military court shall on the commencing day stand transferred to the Criminal Court which would have jurisdiction to try the offence constituted by the acts of that case, under the ordinary law.
- ii) A case transferred to a Criminal Court under sub-paragraph (i) shall be tried by it in accordance with the procedure applicable to the trial of such a case, under the ordinary law.
- iii) Every case which, having been decided and disposed of by a Special Military Court is, immediately before the commencing day, pending for confirmation, and every petition or application for review pending on such day, shall after the commencing day be dealt with and disposed of by the Commander-in-Chief, Pakistan Army, if the case relates to any of the States of West Pakistan or by the General Officer Commander, Eastern Command of the Pakistan Army, if the case relates to the State of Bangladesh.
- iv) Any person who deems himself aggrieved by the finding or sentence of a Martial Law Authority may, where no petition against such finding or sentence has been submitted, submit a petition against such findings or sentence to the Commander-in-Chief, Pakistan Army, if the case relates to any of the states of West Pakistan, or to the General Officer Commander, Eastern Command of the Pakistan Army, if the case relates to the state of Bangladesh. On such a petition, the aforesaid authorities may, with or without any conditions, grant pardon or remit, reduce, commute or suspend any sentence.
- v) Subject to the provisions of this Proclamation, all sentences passed during the Martial Law period by a Martial Law Authority shall be deemed to have been lawfully passed and shall be carried into execution according to their tenor.

- vi) Every sentence of imprisonment passed during the Martial Law period by a Martial Law Authority, which was not put into execution during the Martial Law period, may put into execution under the warrant of the District Magistrate of the District in which the person under sentence may be found; and every such sentence shall commence to run on the date on which the person under sentence is received into the prison to which he is committed by such warrant.
 - vii) Every sentence of fine passed during the Martial Law period by a Martial Law Authority, which was not carried out during the Martial Law period, may be carried out by the District Magistrate of the District in which the person under sentence resides, as if it were a sentence of fine imposed by him under the Code of Criminal Procedure, 1898 (Act V of 1898), provided that the provisions of Chapter XXIX of the aforesaid Code shall not apply to any such sentence.
 - viii) No court and, except as provided by this Proclamation no other authority shall call in question the validity, legality or propriety of anything done or any action or proceeding taken in connection with the administration of Martial Law by any Martial Law Authority or by any person on behalf of a Martial Law Authority during the Martial Law period.
 - ix) No court or other authority shall entertain any suit or any other proceedings whatsoever, against any Martial Law Authority or any person acting on behalf of Martial Law Authority, in respect of anything done, or purporting to have been done, in connection with the administration of Martial Law during the Martial Law period.
- 7. Provisional arrangements.**— During the interim period, notwithstanding the repeal of the Provisional Constitution Order (President's Order No 2 of 1969), Pakistan shall be governed as nearly as may be in accordance with the provisions of the late Constitution, subject to the provisions of the Proclamation, and omissions, additions, adaptations and modifications made by this Proclamation and the Schedule.
- 8. President for the interim period.**— As from the commencing day, the persons holding office as President of Pakistan immediately before the commencing day shall continue to hold the office of President and the Commander-in-Chief, Pakistan Army and shall also be the Commander of all the Armed Forces of Pakistan until a head of the State by whatever name called, enters upon the office in accordance with a Constitution to be framed by the National Assembly of Pakistan.
- 9. Power of the President.**—
- 1. During the interim period;
 - a) The President shall be the executive head of the State and shall, subject to the provisions of this Proclamation, exercise all powers, and perform functions which the President is empowered by or under the later Constitution or by or under any law for the time being in force. The President may appoint such member of advisers as he deems fit to aid and advise the President in the exercise of his functions.
 - b) The President shall exercise the powers of the Central Government, subject to the provisions of this Proclamation.
 - 2. The President shall have no power to prorogue or dissolve the National Assembly or any State Assembly.
 - 3. During the interim period, the President may make laws by promulgating Ordinance in respect of matters within the legislative competence of the Central legislature.
- 10. Function of the Provincial Government during the interim period.**—
- 1. As from the commencing day, the Provincial Assemblies elected under the President's Order No.2 of 1970 shall function as the State Assemblies.
 - 2. During the interim period a State Government and a State legislature shall function in accordance with the provisions of this Proclamation.

11. Central Law making powers.—

1. The Central Legislature shall have exclusive power to make laws (including laws having extra-territorial operation) for the whole or any part of Pakistan with respect to any matter enumerated in the Schedule and shall have also the power to make laws for the whole or any part of a State of West Pakistan with respect to any matter enumerated in the Third Schedule to the late Constitution.
2. The Central Legislature shall have power (but not exclusive power) to make laws for the Islamabad Capital Territory and the Dacca Capital Territory with respect to any matter not enumerated in the Third Schedule to the late Constitution or paragraph 14 of this Proclamation.

12. State Law-making power.— The State Legislature of Bangladesh shall have power to make laws for Bangladesh or any part thereof with respect to any matter other than a matter enumerated in paragraph 14 of this Proclamation and a State Legislature of a State of West Pakistan shall have power to make laws for the State or any part thereof with respect to any matter other than a matter enumerated in the Third Schedule to the late Constitution.

13. Appeal to Governors.— A Governor of a State shall be appointed by the President on the advice of the leader of the majority parliamentary party of the State and shall hold office during the interim period.

14. Powers of the Central Legislature.—

1. With respect to the State of Bangladesh the Central Legislature shall have exclusive power to make laws only in relation to the following matters;
 - a) Defence of Pakistan.
 - b) Foreign Affairs, excluding foreign trade and aid.
 - c) Citizenship, naturalization and aliens, including admission of persons into and departure of persons from Pakistan.
 - d) Currency, coinage, legal tender and the State Bank of Pakistan subject to paragraph 16 of this Proclamation.
 - e) Public debt of the Centre.
 - f) Standards and weights and measures.
 - g) Property of the Centre, wherever situated and the revenue from such property.
 - h) Coordination of international and inter-wing communication.
 - i) Elections to the office of President, to the National Assembly and to the Provincial Assemblies, the Chief Election Commissioner and Election Commissions, remuneration of the Speaker, Deputy Speakers and other members of the National Assembly; powers, privileges and immunities of the National Assembly.
 - j) Supreme Court of Pakistan.
 - k) The service and execution outside a Province or a State of processes and judgements, etc.
 - l) Offences against laws with respect to any of the matters enumerated above.
2. With respect to the States of West Pakistan, the Central Legislature shall have exclusive power to make laws in relations to matters as specified in the Third Schedule to the late Constitution but this provision shall be subject to variation in accordance with such agreement as may be reached in this behalf among the members of West Pakistan Constituent convention to be set up in compliance with this Proclamation.

15. Financial Provisions:

1. All duties and taxes which were prior to the commencing day levied and collected within the State of Bangladesh by or under the authority of the Central Legislature shall be collected by the government of Bangladesh and after adjustment against all Central government financial allocations to and direct expenditures in the State of Bangladesh as provided in the Central Budget of 1970-71, the residue remaining shall be made over by the government of the Bangladesh to the Central government; if

upon such adjustment, an amount is found due to the State of Bangladesh from the Central government, the Central government shall make over such amount to the government of Bangladesh.

2. All foreign exchange earnings of the State of Bangladesh shall be maintained in a separate account under the control of and be disbursed by the Reserve Bank of Bangladesh.
3. The President shall after consultation with the government of Bangladesh make provision on the basis of which the government of Bangladesh shall contribute towards the foreign exchange requirements of the Central Government for the remaining portion of the budgetary year 1970-71.

16. State Bank of Pakistan.—

1. The State Bank of Pakistan at Dacca shall be re-designated as the Reserve Bank of Bangladesh, and all branches of the State Bank of Pakistan in Bangladesh shall become branches of the Reserve Bank of Bangladesh.
2. The Reserve Bank of Bangladesh and its branches shall be under the legislative control of the State Legislature of Bangladesh.
3. The Reserve Bank of Bangladesh shall, subject to the powers enumerated in clause (4) which shall continue to be exercised by the State Bank of Pakistan. Exercise in respect of the State of Bangladesh all powers, functions and duties which the State Bank of Pakistan had immediately before commencing day exercised in respect of the whole of Pakistan.
4. The State Bank of Pakistan shall in respect of the State of Bangladesh exercise the following powers;
 - a) Recommend the external exchange rate of the Rupee to the Central government.
 - b) Issue of currency notes and mint coins at the request of the Reserve Bank of Bangladesh against assets as provided by the said Reserve Bank for circulation within the State of Bangladesh.
 - c) Maintain and regulate mints and security presses.
 - d) Perform in relation to international financial institutions such functions as are in the usual course performed by the State Bank of Pakistan, provided that such functions shall be performed in accordance with directions of the Reserve Bank of Bangladesh.

17. Procedure for making Constitution by the National Assembly.—

- i) On the 9th Day of April, 1971;
 - a) The members of the National Assembly elected from the State of Bangladesh shall sit as a Constituent Convention at the Assembly Hall at Dacca at 4pm and proceed to frame a Constitution for the State of Bangladesh within a period of 45 days from the date of such sitting.
 - b) The members of the National Assembly elected from the States of West Pakistan shall sit as a Constituent Convention on the 9th April, 1971, at the State Bank Building at Islamabad at 4 p.m. and proceed to frame a Constitution for the States of West Pakistan within a period of 45 days from the date of such sitting.
- ii) Each Constituent Convention shall elect a Chairman, who shall decide the date and time for meetings and the procedure for the conduct of sessions of the Convention except that all decisions shall be taken by a simple majority of votes, including the election of chairman.
- iii) After the Constitutions of the States of Bangladesh and States of West Pakistan have been framed under sub-paragraph (1) and when the President is notified in writing by the respective Chairman that the Constitutions have been framed under sub-paragraph (1), the President shall summon a meeting of the National Assembly, at which all the members shall sit together as a sovereign body for the purpose of framing a constitution for the whole of Pakistan.
- iv) The procedure to be followed for making the constitution for the whole of Pakistan under sub-paragraph (3) shall be as laid down in the President's Order No.2 of 1970, subject to the amendments made to the said Order by this Proclamation.

- v) The members of the National Assembly shall be deemed to have complied with the provisions of Article 12 of the President's Order No.2 of 1970 by taking before the Chief Election Commissioner or persons designated by him for this purpose, an oath or making an affirmation at the first meeting of the appropriate Constituent Convention in the following form, namely: -

"I A.B. do solemnly swear/affirm that I will be faithful and bear true allegiance to the Constitution of Pakistan as by law established."

- vi) Upon swearing the oath or making the affirmation prescribed in sub-paragraph (5) of this paragraph a member of the National Assembly shall be entitled to all the rights, privileges, emoluments, etc., to which a member of the National Assembly is entitled in law.
- vii) For Article 25 of the President's Order No.2 of 1970, the following shall be substituted: -

"25. The Constitution Bill, as passed by the National Assembly, shall be presented to the President for authentication. The President shall upon presentation to him of the Constitution Bill authenticate it, and in any event upon the expiry of seven days from the date of such presentation shall be deemed to have authenticated it."

18. Order to bring the Proclamation into effective operation.—

- i) The president may, by Order, make such provision as may appear to him to be necessary or expedient for bringing the provisions of this Proclamation into effective operation.
- ii) In particular, and without prejudice to the generality of the foregoing power, provision may be made for;
- Making new administrative or other arrangements to give effect to the new constitutional arrangements brought into existence by this Proclamation.
 - Apportioning powers, rights, property, duties and liabilities between the Central and State Governments as shall be required for giving effect to the new constitutional arrangements brought into existence by this Proclamation;
 - Succession, to, and transfer of, rights, properties and liabilities of the Central Government and apportionment of such rights between the States;
 - Appointment and transfer of officers and other authorities for the purpose of any of the States and their powers and functions, and allocation of members of any service in connection with the affairs of States and the constitution of Services for the States and the Centre;
 - The removal of any difficulty in relation to the transition from the constitutional position obtaining before the commencement of this proclamation to the provisions made by this Proclamation.
- iii) The President shall constitute an Implementation Council, consisting of eleven members, six to be nominated by the government of Bangladesh, two by government of Punjab, and one each by the governments of Sind, NWFP and Baluchistan, for the purpose of taking effective measures towards implementation of the matters referred to in sub-paragraph (2) and to do all other things necessary for bringing this Proclamation into effective Operation.
- Amendment of Article 67: For Article 67 of the late Constitution, the following shall be substituted, namely;

"67. A person shall not be appointed as a Governor of a State unless he is qualified to be elected as a member of the National Assembly."
 - Amendment of Article 68: For Article 68 of the late Constitution, the following shall be substituted, namely:

"68. Before he enters upon his office, the Governor of the State of Bangladesh shall make before the Chief Justice of the High Court of Bangladesh, and the Governor of each of the States in West Pakistan shall make before the Chief Justice of the High Court of the State concerned, an oath in such form set out in the First Schedule as is applicable to his office."

Amendment of Article 70: For Article 70 of the late constitution, the following shall be substituted, namely:

“70. There shall be a legislature for the State of Bangladesh, to be known as the State Legislature of Bangladesh and a Legislature for each of the States of the Punjab, North-West Frontier Province, Sind and Baluchistan, to be known as the State Legislature of the respective States.”

Amendment of Article 80: For Article 80 of the late constitution, the following shall be substituted, namely:

“80. (1) The State governments shall consist of a Cabinet of Ministers with the Chief Minister at its head, and Deputy Ministers, all of whom shall be appointed in the manner provided in this Article.

2) The executive authority of a State shall, subject to the provisions of the Constitution, be exercised by or under the authority of the State government. Such authority shall be exercised, in accordance with the Constitution and the law, either directly or by officers subordinate to the Government concerned.

3) A State Cabinet shall be collectively responsible to the State Legislature.

4) (a) The Governor shall appoint as Chief Minister a member of the State Legislature, who commands the confidence of the majority of the members of the State Legislature.

(b) Whenever a Chief Minister is appointed, the State Legislature, if at the time of the appointment, is not sitting and does not stand dissolved, shall be summoned so as to meet within two months thereafter.

5) A Governor shall appoint other Ministers and Deputy Ministers on the advice of the Chief Minister.

6) A Minister who for any period of six consecutive months is not a member of State Legislatures shall at the expiration of that period, cease to be a Minister or Deputy Minister and shall not before the dissolution of the State Legislature be again appointed a Minister unless he is elected a member of the appropriate state Legislature.

7) Nothing in this Article shall be construed as disqualifying the members of the Cabinet and Deputy Ministers from continuing in office during any period during which the state Legislature stands dissolved, or as preventing the appointment of any persons as Chief Minister or Minister or Deputy Minister, during any such period.

8) For avoidance of doubt it is expressly declared that the Governor, in exercise of his functions shall act in accordance with the advice of the State Chief Minister.

9) A Chief Minister may resign from office at any time by placing his resignation in the hands of the Governor.

10) Any other Minister or Deputy Minister may resign from office by placing his resignation in the hands of the Chief Minister for submission to the Governor.

11) The Governor shall accept the resignation of a Minister, other than the Chief Minister, if so advised by the Chief Minister.

12) A Chief Minister may, at any time, for reasons which to him appear sufficient, request a Minister or Deputy Minister to resign; should the Minister concerned failed to comply with the request, his appointment shall be terminated by the Governor if the Chief Minister so advises.

13) A Chief Minister shall resign from office upon his ceasing to retain the support of a majority of the members of the appropriate State Legislature unless on his advice the Governor dissolves such legislature.

14) If a Chief Minister at any time resigns from office the other Ministers and Deputy Ministers shall be deemed to have resigned from office, but the Chief Minister, other Ministers, and Deputy Minister will continue to carry on their duties until their successors shall have been appointed.

Amendment of Article 81: For Article 81 of the late Constitution, the following shall be substituted, namely:

“81. (1) All executive actions of a State government shall be expressed to be taken in the name of the Governor.

(2) The State Governments shall have rules specifying the manner in which orders and other instruments made and executed in the name of the Governor shall be authenticated, and the validity of any order or instrument so authenticated shall not be questioned in any court on the ground that it was not made or executed by the Governor.

(3) The State government shall also make rules for the allocation and transaction of its business.”

Amendment of Articles 82 and 84: Articles 82 and 84 of the late Constitution shall be deleted.

Amendment of Articles 86 to 90: For Article 86 to 90 of the late Constitution, the following shall be substituted, namely:

“86. In this part “Money Bill” means a Bill containing only provisions dealing with all or any of the following matters, that is to say;

- a) The imposition, abolition, remission, alteration or regulation of any tax;
 - b) The borrowing of money, or the giving of any guarantee, by the State Government, or the amendment of the law relating to the financial obligations of that government;
 - c) The custody of the State Consolidated Fund, the payment of money into, or the issue or appropriation of money from such fund;
 - d) The imposition of a charge upon the State Consolidated Fund, or the abolition or alteration of any such charge;
 - e) The receipt of moneys on account of the State Consolidated Fund; or the public account of the State or the custody or issue of such moneys; and
 - f) Any matter incidental to any of the matters specified in the aforesaid sub-clauses.
- 2) A Bill shall not be deemed to be a Money Bill by reason only that:
- (a) It provides for the imposition or alteration of any fine or other pecuniary penalty, or for the demand or payment of a licence fee, or a fee of charge for any service rendered; or
 - (b) It provides for the imposition, abolition, remission, alteration or regulation or any tax by any local authority or body for local purposes.

(3) Every Money Bill, when it is presented to the Governor for his assent, shall bear a certificate shall be conclusive for all purposes and shall not be questioned in any court.

“87. No Bill or amendment which makes provision for any of the matters specified in clause (1) of Article 86, or which if enacted and brought into operation would involve expenditure from the revenue of the State, shall be introduced or moved in a State Legislature except on the recommendation of the State government.

“88. No tax shall be levied for the purposes of a State except by or under the authority of an Act of the State Legislature.

“89. (1) All revenue received by a State government, all loans raised by it is repayment of any loan, shall form part of one consolidated fund, to be known as the State Consolidated Fund.

“90. (1) The custody of the State consolidated Fund, the payment of moneys into such Fund, the withdrawal of moneys therefrom, the custody of public moneys other than those credited to such Fund received by or on behalf of the State government, their payment into the Public Account of the State and the withdrawal of moneys from such Account, and all matters connected with or ancillary to matters aforesaid, shall be regulated by Act of the State Legislature, as the case may be, and, until provision in that behalf is so made, by rules made by the Governor.

- 2) All moneys received by or deposited with:
- any officer employed in connection with affairs of a state in his capacity as such, other than revenues or public money realised or received by the State government;
 - any court to the credit of any cause, matter account or person in connection with the affairs of the State; shall be paid into the Public Account of the State as the case may be."
41. The following new Articles to be numbered 90-A to 90-F shall be added immediately after Article 90 of the late Constitution namely;
- Addition of new Articles 90-A to 90-F
- "90-A.** (1) The State Government shall, in respect of every financial year, cause to be laid before the State Legislature, as the case may be, a statement of the estimated receipts and expenditure of the State government for that year in this part referred to as the Annual Financial Statement.
- (2) The Annual Financial Statement shall show separately;
- the sums required to meet expenditure described by the Constitution as expenditure charged upon the State Consolidated fund; and
 - the sums required to meet other expenditure proposed to be made from the State Consolidated Fund; and shall distinguish expenditure on revenue account from other expenditure.
- "90-B.** The following expenditure shall be charged on the State Consolidated Fund, as the case may be;
- the remuneration payable to the Governor and other expenditure relating to his office, and the remuneration payable to;
 - the Judges of the High Court;
 - the members of the State Public Service Commission;
 - the Speaker and Deputy Speaker of the State Legislature;
 - the administrative expenses, including the remuneration payable to officers and servants of the High Court, the State Public Service Commission, and the Secretariat of the State Legislature;
 - all debt charges for which the State government is liable, including interest, sinking fund charges, the repayment or amortisation of capital and other expenditure in connection with the raising of loans and the service and redemption of debt on the security of the State Consolidated Fund;
 - any sums required to satisfy any judgement, decree or award against the State by any court, or tribunal; and
 - any other sums declared by the Constitution or by an Act of the State Legislature to be so charged.
- "90-C.** (1) So much of the Annual Financial Statement as relates to expenditure charged upon the State Consolidated Fund may be discussed in but shall not be submitted to the vote of the State Legislature.
- 2) So much of the Annual Financial Statement as relates to other expenditure shall be submitted to the State Legislature as the case may be in the form of demands for grants, and the Legislature shall have power to assent to any demand subject to a reduction of the amount specified therein.
- 3) No demand for a grant shall be made except on the recommendation of the State government.
- "90-D.** (1) As soon as may be after the grants under the last preceding Article have been made by the State Legislature, there shall be introduced in the Legislature a Bill to provide for appropriation out of the State Consolidated Fund, as the case may be, of all moneys required to meet;
- the grants so made by the State Legislature; and
 - the expenditure charged on the State Consolidated Fund, but not exceeding in any case the amount shown in the statement previously laid before the State Legislature.

2) No amendment shall be proposed in the State Legislature to any such Bill which shall have the effect of varying the amount or altering the destination of any grant so made.

3) Subject to the provisions of the Constitution no money shall be withdrawn from the State Consolidated Fund except under appropriation made by law passed in accordance with the provisions of this Article.

“90-E. If in respect of any financial year it is found;

(a) that the amount authorised to be expended for a particular service for the current financial year is insufficient, or that a need has arisen for expenditure upon some new service not included in the Annual Financial Statement for that year, or

(b) that any money has been spent on any service during a financial year in excess of the amount granted for that service for that year;

the State Government shall have power to authorize expenditure from the State Consolidated Fund whether the expenditure is charged by the Constitution upon that Fund or not shall cause to be laid before the State Legislature a Supplementary Financial Statement setting out the amount of that expenditure, and the provisions of Article 90-A to 90-D shall apply to the aforesaid statements as they supply to the Annual Financial Statement.

“90-F. (1) Notwithstanding anything in the foregoing provisions of this Chapter, a State Legislature shall have power;

(a) to make any grant in advance in respect of the estimated expenditure for a part of any financial year pending the completion of the procedure prescribed in Article 90-C for the voting of such grant and the passing of the law in accordance with the provisions of Article 90-D in relation to that expenditure;

(b) to make a grant for meeting an unexpected demand upon the resources of the State when on account of the magnitude or the indefinite character of the service the demand cannot be specified with the details ordinarily given in an Annual Financial Statement;

(c) to make an exception grant which forms no part of the current service of any financial year; and the State Legislature, as the case may be shall have power to authorize by law the withdrawal of moneys from the State Consolidated Fund for the purposes for which the said grants are made.

(2) The provisions of Article 90-C and 90-D shall have effect in relation to the making of any grant under clause (1) and to any law to be made under that Clause as they have effect in relation to the making of a grant with regard to any expenditure mentioned in the Annual Financial Statement and law to be made for the authorization or appropriation of money out of the State Consolidated Fund to meet such expenditure.”

Amendment of Article 91: (1) For clause 1 of Article 91, the following shall be substituted, namely: -

“91. There shall be a High Court of the State of Bangladesh and a High Court of each of the States of West Pakistan.”

Amendment of Article 92:

(1) In clause 2 of Article 92 of the Constitution, sub-clause (b) shall be deleted.

2) Sub-clause (c) of clause 2 shall be re-numbered as sub clause (b).

3) Clause 3 of Article 92 of the Constitution shall be deleted.

Deletion of Articles 99, 103, 104, 105, 107, 108, 112, 113, 114, 119, 120, 121, and 122 and clause 2 of Article 131 shall be deleted.

42. Articles 99, 103, 104, 105, 107, 108, 112, 113, 114 and clause 2 of Article 131 of the late Constitution shall be deleted.

Amendment of Article 134: For Article 134 of the late Constitution, the following shall be substituted, namely: -

“134. Any enactment made by a Legislature in respect of a matter which is not within its law-making power shall be void.”

Amendment of Article 137: Article 137 of the late Constitution shall be deleted.

Amendment of Article 138: For Article 138 of the Constitution, the following shall be substituted, namely: -

“138. It shall be constitutional obligation of the Central Government to ensure, representation on the basis of population in all Federal Services, including the Defence Services, of people from all parts of Pakistan within the shortest possible time.”

Amendment of Article 140 of the Constitution: For Article 140 of the Constitution the following shall be substituted, namely: -

“140. The executive authority of a State extends to borrowing upon the security of a State Consolidated Fund within such limits, if any, as may be determined by Act of the State Legislature and to the giving of guarantees within such limits, if any, as may be so determined.”

8

ANALYSIS OF THE INTENTIONS OF GENERAL YAYHA KHAN AND HIS ASSOCIATES

Throughout the discussion contained in this report our minds have been troubled with the anxious question of the good faith of General Yahya. Did he assume power in the honest, even though the mistaken, belief that it was legally and morally permissible for him to do so in order to save the country and with the intention of transferring power to the people as early as possible? Or was it always with the intention of a completely illegal and dishonest usurpation of power? It is possible that having started with a bonafide intention, the inevitably corrupting effect of absolute power changed his mind so that he came to desire power for its own sake. The converse however is not possible; it is not possible, that is, to believe that he seized power for selfish ends and that he later decided sincerely to transfer power. While it is difficult ever to have direct evidence of the intentions of a man so as to reach conclusions as to the state of a person's mind, several circumstances have been proved which, we think, are capable of yielding as strong an inference as is possible in the judicial process as to General Yahya's intention.

2. To start with let us consider the question whether it was either legal or proper to promulgate what was described as Martial Law, but really is the imposition of military rule. The Supreme Court has now, decided that the imposition of military rule within one's own country is not legal but General Yahya may be forgiven for not knowing the law as the Supreme Court has now declared it to be and for assuming that the law was correctly enunciated in the case of Dosso (PLD 1958 SC 533). But what did Dosso's case decide? It decided only that whenever the legitimate government is upset by force and a new authority establishes itself there is a successful revolution and that the new authority is its own source of power. In other words it is stated that military rule having been successfully imposed the courts of the country would recognize it as having lawful authority. It did not say and it could not say that the constitution or any law authorized the forcible upsetting of a government legally constituted. The notions that a Commander-in- Chief had the inherent right of any military commander to take over the government whenever he thought it necessary was not only not recognised in that case but was violative of General Yahya's own duty to uphold the constitution and to defend the government in power to whose aid he was always legally bound to come.

3. We have already noticed that in between the sessions of the Round Table Conference a meeting was arranged between General Yahya Khan and Shaikh Mujibur Rahman. That it took place now admits of no doubt and it will be recalled that there are two wholly contradictory versions of the meeting. While on the one hand we are told that General Yahya gave a complete assurance that Martial Law would not in any case

be imposed, General Yahya's own version is that the meeting was arranged to enable him to make Mujibur Rahman see sense, it being very clearly implied that, upon his failure to do so, Martial Law was very likely if not the inevitable result. For reasons we have indicated elsewhere we are inclined to consider the former the more probable version. But, paradoxical as it may sound there is in fact a large measure of agreement between these two versions. Martial Law was in any case discussed and it is clearly an implied term of either version that it was a question of General Yahya to decide whether or not Martial Law should be imposed, or at least that it could not be imposed without his consent. We see, therefore, that everybody seems to assume, and the Commander-in-Chief most of all, that the duty or the right - depending upon one's view point - to impose Martial Law was strictly that of the Commander-in-Chief. The fact that this meeting took place before the Round Table Conference ended, and indeed even before it could be said to have well begun, we cannot but regard as clearly indicative of the fact that the Commander-in-Chief was taking far more than a legitimate interest in the outcome of the Round Table Conference's proceedings. Although we have discounted the allegation that the General virtually took over command of the President's House and of government from the time of the Field Marshal's illness, this more than legitimate interest had started earlier and was clearly expressed at least in the consultations which led to the Agartala Conspiracy trial.

4. Another intriguing circumstance is that the General summoned a select number of close associates and made plans for the enforcement of Martial Law. These associates included General Gul Hassan and General Pirzada. Draft Martial Law Regulations and all other preparations necessary for the imposition of Martial Law were made. When questioned General Yahya admitted this and in line with his thinking that it is both the duty and the privilege of the Commander-in-Chief to impose Martial Law when circumstances warranted it, the General explained these preparations by saying that they were in the nature of contingency plans. He went on to say that the army has always contingency plans for all eventualities and that these are constantly reviewed and kept up to date and that it was in the context of this system that the contingency plans of Martial Law, which in fact was imposed in March 1969, were made. Indeed he was so strong upon the idea that this was the duty of the army that he went on to say that he believed and sincerely hoped that even now the army must be having a similar plan: for us this is a horrifying thought. If we are not prepared to accept the notion that such is the right and duty of the army and the judgement in Dosso's case, right or wrong, gave no ground for such a belief, these preparations must be regarded as a piece of strong circumstantial evidence. After having taken over the government of the country and despite the fact that admittedly the law and order situation was brought quickly under control it was not until November 1969, that General Yahya announced his time-table and even so, the elections were to be held as late as October 1970. Political activity was to be permitted from 1st January, 1971, thus allowing the long time of ten months to carry on the propagation of political views, which it should have been discovered soon were contrary alike to the integrity of Pakistan and the provisions of the Legal Framework Order. No attempt was made in this long campaign to suppress this anti-national programme.

5. Remarkable though it might seem, it appears on the evidence that at no point of time before the results were in, did the administration anticipate that the Awami League would be returned in such a majority. In fact it appears that in the beginning the thinking was that what was likely to emerge from the elections both in the East and in the West were a number of small parties, say about 8 or 10 in number. It is obvious that if such had been the result not only would the gravity of the Six Points be no longer an important matter to consider but there would be no party or combination of parties who could put itself forward as the proper and legitimate recipient of power. Not more than this, with such a wide spectrum of parties it might well be that the National Assembly would fail to perform its primary function of framing a constitution. In the light of this expectation one begins to understand why the period of 120 days was fixed during which the Assembly was to frame a Constitution on pain of dissolution. It is obvious that if the parties failed to frame a Constitution or even achieve any measure of

agreement after a constitution had been framed or imposed for the purposes of forming a government, it would have been easy for General Yahya if he was so minded to continue effectively in power. Possibly he could tell the nation that despite his most sincere efforts the people's representatives had once again failed the nation and that therefore, the government of the country was safe only in his own hands. Alternatively he could have so played off the parties one against the other that there would be no choice but to accept a Constitution or an arrangement whereby General Yahya was effectively to retain power. While he could depend upon the 120 days limit for bringing about such a Constitutional deadlock he could at the same time defend the principle upon the ground that, unless there was a time limit for framing a constitution and a prohibition in the meantime from exercising the legislative power as distinct from constitution making, the Assembly would degenerate into a self-perpetuating unrepresentative body and he would cite as an example in support the history of the first Constitutional Assembly.

6. These of course are theoretical speculations and we should not, merely on the basis that these provisions would allow such a situation to arise, be willing to assume that it was intended. But the fact that a set of provisions was devised, which would clearly enable this; is at least an initial presumptive factor in judging intentions, when one adds to this the political activity of General Umar and other which we have earlier recounted it seems to us that this incorrect appreciation of the likely election results explained the provisions of the Legal Framework Order and the lack of attention paid to the Six Points campaign can in turn be explained, only upon a hypothesis which contradicts the sincerity of General Yahya Khan.

7. The election results, however, proved a shock. Mujib won virtually every seat in East Pakistan and although the Pakistan People's Party did not have as resounding a success, it nevertheless emerged only not as the largest single party in West Pakistan but clearly as the majority party of West Pakistan. It is in the light of this setback that one now has to consider the various postponements of the National Assembly. The election results were announced on the 5th December 1970, and General Yahya made no move towards the calling of the Assembly or even the commencement of talks with the various leaders until he came to East Pakistan on 11th January 1971. This is the famous meeting at the end of which General Yahya referred to Mujib as the future Prime Minister and received Mujib's offer of Presidency. In view of what was to follow one cannot but think that the General spoke with his tongue in the cheek. It was on the basis of a firm adherence to the Six Points that Mujib was later branded a traitor and certainly the Six Points did not come into existence after this meeting. If indeed during the election campaign they had been ignored either as the programme of a party which would not succeed in carrying the entire mass of East Pakistan or even as matters which were stated to be negotiable neither premise held true in the middle of January 1970. The election results had shown that East Pakistan stood solidly behind the Six Points. (We are not at the moment examining whether the public fully understood the implications of Six Points and intended to vote for secession or a federation but merely stating the Mujib had been able to obtain what he could justly put forward as a popular mandate on this programme.) Then followed the meeting with Mr Bhutto at Larkana, the fixing of the date on 3rd March, its postponement on the 1st March and the refusal of the President to come immediately to East Pakistan after the postponement are matters which we have detailed earlier. It is to be emphasized at this point that Admiral Ahsan and General Yaqub, both very senior defence officers and both in different capacities the chief representatives of the President in East Pakistan begged of the President at this stage to announce a firm date for the National Assembly and entreated him to come to East Pakistan early. Both requests fell on deaf ears with the result that these two officers who till then firmly believed in the sincerity of the President became disillusioned and almost on the same date relinquished charge of their respective offices.

8. By the time the final and unhappy negotiations began in the middle of March of course Shaikh Mujibur Rahman's attitude, if not hard already, had hardened to virtually the point of no return. The manner in which these negotiations were handled also is curious. At no time did all the parties meet together in conference in the

presence of the President and particularly at no time did a meeting between General Yahya and the representative of the Awami League and Pakistan Peoples Party take place except for that one brief meeting on the 2nd March which was hardly a meeting at all. No doubt it can be asserted that this failure to meet in conference was due to Shaikh Mujibur Rahman's adamant attitude at least in part. But we cannot agree that this attitude on the Shaikh's part relieved General Yahya of his responsibility to insist upon such a meeting and we are left with the feeling that General Yahya was far from being averse to the impasse which in fact occurred.

9. We have already stated that in the subsequent months before war broke out no effort whatever was made to re-negotiate or to seek afresh a political solution. Instead General Yahya announced his continued determination to transfer power and in the end of June announced that he would promulgate a constitution of his own drafting.

10. No announcement was made of the date upon which the constitution was to be promulgated and in due course we were overtaken by the event of the war bursting forth in right earnest in East Pakistan on the 20th November and on the western front on the evening of 3rd December. In the meantime the constitution had been drafted. An examination of this document, which in fact never saw the light of day, is revealing. Article 16 of the Constitution reads as follows:

"Art. 16 Notwithstanding anything contained in this Constitution: -

- (a) the first President of Pakistan under this Constitution shall be General Agha Muhammad Yahya Khan, H. Pk., H.J.;
- (b) General Agha Muhammad Yahya Khan, H. Pk., H.J.; may continue to hold also the post of Commander-in-Chief of the Pakistan Army for a period not exceeding five years commencing on the date of coming into force of this Constitution; and
- (c) the election of the first Vice-President shall be held independently of the election of the President, and no person shall be a candidate, at such election unless he belongs to East Pakistan."

11. In other words General Yahya was providing not only for his own continuance as the President but also allowing for himself to continue as Commander-in Chief concurrently with his tenure of office as President, a dual position which he had occupied from the 25th March, 1969. Obviously, the General believed in the right of the Commander-in-Chief to impose Martial Law and in effect therefore his recognition of that officer's power above the President and the Constitution remained unshaken and he was in no mood either to relinquish the Presidency or to allow somebody else to hold this sword of Damocles over his own head.

12. Other provisions of the Constitution make it clear that the President was also to be no more figure head and one recalls in this connection a remark which General Yahya made soon after he had been offered the Presidency by Sheikh Mujibur Rahman that he would consent to be no mere Queen Elizabeth. One of the persons intimately connected with the drafting of the Constitution has stated categorically that instructions were that General Yahya meant to continue as President and while the entire power of the state was not to be concentrated in the President as it of necessity during the Martial Law regime the office was certainly to carry substantial powers much higher than would be available to a Constitutional President bound by the advice of his Ministers in a parliamentary set up.

13. Closely connected with this provision was another illuminating Article of the Constitution, namely, Article 260 which reads thus: -

- (1) Martial Law shall be declared in the whole or any part of Pakistan only in the most compelling circumstances, namely, when;
 - (a) the country is faced with the imminent danger of attack or invasion by a foreign power; or

- (b) through serious and active uprising or otherwise the maintenance of law and order is placed in grave jeopardy, with which the ordinary agencies are unable to deal with or
- (c) a serious general problem affecting the whole, or any substantial part of the population, of the country or any province, including a problem in relation to this Constitution, has arisen, which has proved incapable of resolution through constitutional, political or administrative agencies.
- 2) Where any of the circumstances enumerated in clause (1) of this Article seems to exist, the Commander-in-Chief of the Pakistan Army may, at the request of the President, or of his own motion, but only after consultation with the President, declare, by order, that the whole or any part of Pakistan specified in the order shall be placed under Martial Law.
- 3) A declaration of Martial Law, whether made before or after the coming into force of this Constitution, shall be revoked only by the Commander-in-Chief of the Pakistan Army, who shall before making the order of revocation, consult the President in that behalf.
- 4) It shall be within the power of the Commander-in-Chief of the Pakistan Army who shall be the Chief Martial Law Administrator to suspend for the duration of the Martial Law, or any shorter period as may be specified the operation of specified provisions of this Constitution, but the said Principal Authority shall not have power to abrogate this Constitution.
- 5) Subject to the provisions of clause (4) of this Article, the Chief Martial Law Administrator shall have power to promulgate necessary Martial Law Regulations and Orders during the period of continuance of Martial Law, and any Martial Law regulation may provide for the delegation by the Chief Martial Law Administrator of the power of making Martial Law Orders thereunder to a subordinate Martial Law Authority.
- 6) Upon the revocation of a declaration of Martial Law, all Martial Law Regulations and Orders made during the continuance of such Martial Law shall cease to have effect, but the Chief Martial Law Administrator, after consultation with the President, may declare that any specified Martial Law Regulation or Martial Law Order shall continue to have effect, notwithstanding the revocation of Martial Law, as a law of the appropriate legislature, and such Martial Law Regulation or Martial Law Order shall continue to have effect accordingly."

In other words the Constitution expressly provided for its own abrogation in as much as the imposition of Martial Law must now be deemed necessarily to carry in itself the consequence of such an abrogation. Perhaps, regard being had to the fact that the imposition of Martial Law was being sanctioned by the Constitution itself it might be fairer to say that what was now contemplated by Martial Law was not indeed abrogation of Constitution but a at least its suspension. One is amused at this mental contradiction. If the General was right in thinking that the power to impose Martial Law was inherent in the Commander-in-Chief of any army and owed its sanctity to a concept of superior validity to the Constitution it was hardly necessary that the constitution should provide for the imposition of Martial Law. Clearly, therefore, the beginning of a doubt at least had crept in as to the correctness of the doctrine.

14. This draft Constitution was actually given to the press on the 16th of December 1971, with instructions, however, that it was not to be published until publication was authorized. It is to be remembered that Dacca surrendered on the 16th. In view of the fact that steps were in hand at least a week before the negotiation of surrender terms and that the United Nations and its Security Council were daily debating resolutions for ceasefire, it can hardly be said that the surrender came as a complete surprise or that, therefore, this date upon which the draft was given to the press in a mere coincidence.

15. The mental unreality of the world in which General Yahya was then living is further provided by the fact that even on the 18th of December after the ceasefire on the Western Front the General announced that his constitutional plans had not been impaired in the slightest and that he intended to proceed with his time-table. In fact, he announced that the Constitution would be promulgated on the 20th December 1971. What happened on that date of course is well known and need hardly be stated here. In the meantime however it seems that even General Yahya realized that a provision of the kind contained in Article 16 of the draft Constitution which we have quoted above was unlikely to be found acceptable. New copies of the draft were printed in a great hurry with the Article omitted.

16. We have detailed above a number of circumstances which reflect upon the motivation of General Yahya. The manner in which he took power including the preparation that he made in anticipation of the event, the procrastinating steps that he took towards the election and later towards summoning of the National Assembly, the manner in which he collected and utilized funds for political purposes to negotiate with various parties and finally his future schemes of things as reflected in his draft Constitution, have left us with no manner of doubt that the General imposed Martial Law with the object only of personally seizing and retaining power.

17. A great deal has been said not only in public but also in the course of evidence before us as to the personal life of General Muhammad Yahya Khan and we have examined this question not because we are concerned with his personal character as such but only because it might, as a result of examination, be found to have a bearing upon his official conduct or decisions.

18. All those who came closely in contact with the General have unanimously deposed that the General is a heavy drinker. This is not, however, something which happened suddenly after he purported to become President but has been a feature of his personal life for a long time before that. Witnesses have told us that he drank heavily and even to excess but nobody has said the he was a drunkard in the sense that he was ever found bereft of his senses because of drink. Apparently the General is capable of taking his drink very well indeed and the most that could be said is that he sometimes became more loquacious than usual. We cannot help feeling that, even so, such heavy drinking must have had some effect upon his mental reflexes and we should have thought that a person who had to carry the heavy loads of both the Presidentship and the leadership of the armed forces, would have needed to be more alert specially during so critical a period as war. But having said that we are unable to find any evidence, whatsoever, to indicate that this weakness on the part of the General had any other effect upon his official conduct. That in the critical days of the war he did not visit the operation room more than twice, a matter upon which we have expressed our views elsewhere in this report. We have, however, been unable to come to the conclusion that the fact of his drinking too much was the direct cause of this apparent dereliction of duty except in the sense, which we have indicated above, that such a habit of life must necessarily have led to a degree of mental lethargy.

19. A facet of his private life upon which comment has been made equally in public and in evidence before us is his relations with women. There is plenty of evidence to indicate that the General was far from being an austere man sexually. The number of women with whom he had illicit relations is unfortunately all too large. One of these in fact stayed as a guest in the President's State Guest House and on at least one occasion the President was found missing from his own house and was later discovered in the house of this very lady before she had taken up her residence in the Guest House. We regret to find that he had in fact showed her favours in the course of official business, as for instance, when he appointed both her husband and herself as Pakistan's Ambassadors abroad. Other cases have come to light when he intervened on behalf of certain ladies to provide for them industrial licences or extraordinary funds for visits abroad and in one case a senior government official was dismissed for failure to comply with the President's wishes expeditiously. In this sense, therefore, his relations with these women did interfere with the official conduct of business. We are not required, however, to

embark upon an inquiry into the conduct of the government generally during the period that General Yahya was in power. We are limited to the cause which led to the surrender in East Pakistan and ceasefire in West Pakistan and we are unable to find any evidence that the General's relations with any women contributed in the slightest degree to these matters, except that even in the gravest hour of the country's difficulties, his mind was not disturbed enough to make him deviate from his usual course of debauchery.

20. Having come to the conclusion that at no time did General Yahya intend to part with power it is necessary, for us to examine, to what degree, if any, did the conduct of his close associates contribute to this.

21. For this purpose, it is necessary to examine briefly the nature of what might be described as General Yahya's Secretariat. On the Civil side, there were of course, at the head of various ministries, secretaries and during part of the period in question also ministers. Files submitted by these ministries to the President were marked to the Secretary, President's Secretariat (Public), who was during the relevant period Mr Qayyum.

22. Incidentally Mr Qayyum has repeatedly protested against having been described as the President's Secretary. He was anxious to make it plain that he was the Secretary Incharge of the President's Secretariat and not the Secretary to the President. We do not know that this makes any real difference because various instructions that the President gave were quite often passed through him. This gentleman again was not supposed either to submit the file directly to the President or even to make a note upon it. His duty was to submit it to the Principal Staff Officer, General Pirzada, and any note that he might wish to make and any that General Pirzada then made were entered in a separate annexed file so that, when the papers were finally returned to the Ministry concerned, these notings were detached and did not form a part of the official record.

23. There was, however, a system which was adhered to for the large part of the period in question whereby the President met all the secretaries in the presence of the Chief of Staff and the Principal Staff Officer on every Monday and there were cabinet meetings, during such time that a cabinet was in existence. Although, therefore the secretaries did have occasion to meet the President, fairly frequently, the general set-up does appear to be one in which to say, that the secretaries had direct access to the President would be only technically true and an exaggeration. Certainly beyond the actual notes on individual files, and therefore, of particular matters they neither advised the President nor were encouraged to do so. Political decisions which included such matters as the framing of the LFO, the convening or postponing of the National Assembly and so forth were not matters which were dealt with on any such file and no opportunity arose for the secretaries to give advice on such matters.

24. The question has agitated our minds whether it is not the duty of responsible government officials to stand up even to the President and insist that certain decisions are not right and whether, in the absence of their having done so, they are not guilty by reason of omission of complicity in these decisions. It has been said against this that the duty of a government servant is to obey after a decision is taken. We do not disagree but the question is that before a decision is taken or at least implemented it would, we think, be the duty of a senior government servant to insist upon advising that the decision contemplated was wrong and his duty to comply would arise only after he has fulfilled the primary duty of advice and protest.

25. The picture, we have had, however, of the events within which it was possible for a civil servant to attempt to offer this advice is a dismal one. Even so senior a person as the former Chief Justice of Pakistan, who during a part of the regime was the Law Minister and who thereafter continued as such throughout under the changed designation of Law Adviser, has stated before us that it was not possible to offer advice to General Yahya Khan except when specially called upon. The most one could do, he said, was to express mildly an opinion if an opportunity arose to do so and if the President showed no inclination of continuing the discussion on the point then the matter ended there. He said that occasionally, when he felt sufficiently strongly about a matter and could not find any reasonable opportunity of expressing it orally, he would submit a note of it in writing to which the President might or might not pay any heed. That the civil service

was reduced to such an abject position, we can deplore but understand; the conduct of a Minister, however, must stand on a different footing. He was not a government servant and it was not his full time life career which was at stake but only his position as a minister. It is elementary, we should have thought, that where a minister does not agree with the policy of the President and where he is not even allowed to present a viewpoint to the President he should have resigned but he never did.

26. General Yahya and his close military associates made no secret of their contempt of the capacity, rights and duties of the civil service. In the dictatorial regime that then existed and in view of this attitude of the military officers in power, the failure of the civil service to stand up and give any firm advice against the manner in which the country was being governed is, therefore, explainable even if not entirely excusable.

27. The General, however, was surrounded by a group of military officers who were very close to him and wielded enough power not to be allowed to excuse themselves upon the grounds of any alleged coercion. These include General Hamid, General Gul Hassan, General Pirzada, General Mitha and General Umar. The first was virtually the Deputy Commander-in-Chief and Deputy Chief Martial Law Administrator during the continuance of Martial Law, the second was at all material times Chief of General Staff, and General Pirzada so much in over all charge that he has been at times even referred to as the then Prime Minister. As regards General Mitha, we find that he was being consulted by General Yahya Khan at all material times, namely, at the time the military action was taken in East Pakistan, where he stayed on till the 10th of April, 1971, at the time of the fixing of the date of the opening of the second front, and finally at the time of General Yahya Khan's abdication on the 20th of December, 1971. It is in evidence that he was trying to activate a number of commandos apparently for the purpose of guarding the President's House. Lt-Gen Gul Hassan also specifically named General Mitha as one of the close associates of the former President. Since we have already come to the conclusion that General Yahya intended to maintain himself in power at all costs and in violation of the natural rights of the people, the question then arises whether these Generals were active parties to the scheme or merely unwilling agents. All were mature and senior officers; none of them could, therefore, take shelter behind the ignorance of the implication of events. Furthermore, the power of General Yahya was founded upon the power of the Army itself and unless, therefore, people of the rank and status of these two Generals with whom General Yahya met and conferred every day, were agreeable to his continuing in power we do not see how he could have done so. To this we add the fact that their own highly privileged position of power necessarily depended upon General Yahya's continuance in authority. They had thus the motive to attempt to perpetuate the excessive state of affairs. It will be remembered that they were also closely associated with General Yahya in the initial plans to impose Martial Law and take power.

28. The case of General Umar is in a category of its own. He was ostensibly only the Secretary of the National Security Council but, as we have seen, he performed other and more important duties for General Yahya under cover of this assignment. He held large sums of cash, which were certainly no part of the official budget of his department and the source of which has not officially been explained to us. Indeed both he and General Yahya deny the existence of any such secret funds. There was no official accounting of the expenditure of these moneys which were obviously spent on the instructions of General Yahya himself or for purposes generally or specifically designated by the General. Even his immediate subordinates were not aware either of the source of the funds or the purposes to which they were applied. On the other hand there is a large body of evidence which proves that he was in close contact with various political personages to whom he would either go as the President's emissary or whom he would attempt to persuade to a particular course of action in order to promote General Yahya's policies. None of these matters of course formed any part of his official duties. In our examination of the events during and after the election campaign we have seen that General Yahya did not support any particular party but rather that he was expecting an election result in which no single party would emerge as a force strong enough to dictate its own terms and that a number of comparatively small parties

would be thrown up. Since money were collected by General Umar well before the election and utilized during the election clearly they must have been spent in furtherance of this aim. After the election again the effort of General Yahya was to nullify the election results by playing off the parties against one another. During this period too General Umar cannot therefore be described as doing an ordinary and straightforward job in the service of Government; he positively and by the commission of illegal acts aided and abetted General Yahya in retaining power which he had illegally usurped. He had also the same motive for doing so as General Hamid and Pirzada, that is perpetuation of his own privileged position.

29. We are, therefore, driven to the reluctant conclusion that in the illegitimate usurpation of power these four Generals were active and consenting agents. It is possible of course, that there might have been others also but we have not before us evidence of such close association and participation in power as would enable us safely to extending our finding to them.

30. As to the other civil servants it is obvious that they were hardly a part of the machinery of government in the sense of participating in policy making. They merely carried out orders, being held both in contempt and subjugation by the military junta. They certainly did not share the motive of the military officers in as much as their personal careers or their remaining in such power as they enjoyed was not dependent on the perpetuation of the regime. We cannot, therefore, hold that any of them was a part of the conspiracy.

31. A notable exception appears to be Mr N A Razvi, PSP, then holding the appointment of Director, Intelligence Bureau. Evidence has come before us to show that he was indulging in politics, collecting funds from industrialists and others and utilizing the same to further the political ambitions of General Yahya Khan and his military junta. We are however inclined to the view that Mr N A Razvi was perhaps acting as merely the tool of the military regime and can hardly be placed on the same pedestal as the Army Generals who were actively wielding power.

PART-III

INTERNATIONAL RELATIONS

9

THE IMPORTANCE AND RELEVANCE OF INTERNATIONAL RELATIONS

In the preceding chapters we have endeavoured to analyse the political factors leading to the tragic events in East Pakistan. We now turn to an examination of the international relations and influences which have a direct bearing on the subject of our enquiry. National security and defence are inextricably linked with foreign policy, which in turn, is a product of the geographical location, political philosophy and national ideology of a people.

2. Most of the emergent nations in Asia and Africa have found that the end of the liberation struggle was only the beginning of the struggle for survival. They were not only lacking in experience to manage their international affairs, but also had no training in shaping their foreign policies as an instrument of national security and development. Their freedom of action in the realm of foreign affairs was greatly circumscribed by the influence of the Great Powers in world politics. For us in Pakistan, the problem became further complicated by the physical separation of East and West Pakistan, divided by one thousand miles of Indian territory. Our location gave us a strategic significance both in South-East and in the Middle East. In West Pakistan we occupy a highly sensitive area, having as our neighbours China, Soviet Union, Afghanistan and Iran, whereas in East Pakistan we were a part of South-East Asia by virtue of our proximity to Burma, Thailand, Vietnam, Malaya and Indonesia, countries regarded as the nerve centres of western imperialism in Asia. But the cause of our major problems has been India's inability to reconcile herself to our existence as a sovereign independent state.
3. The need for protecting their independence and sovereignty is felt more keenly by the small states than by the big powers who are strong enough to safeguard their own interests. One of the basic failures of world politics has been that states respect power and exploit weakness no matter what the rules of international law might say. The gulf between the rules of international conduct and actual behaviour of states continues to exist. Small and developing countries are vulnerable in many ways. They are weak both militarily and economically. Moreover, they are involved in frontier disputes they have inherited from their colonial masters. To be able to stand on their own feet they need economic and financial help which the Great Powers are in a position to provide. Unfortunately, as suppliers of aid, the Great Powers intervene in, and influence the policies of, the recipient states.
4. The emergence of global powers in the last twenty years has changed the whole concept of conducting affairs of state. The task of smaller nations, in which category all the developing nations fall, in determining

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INDO-PAK RELATIONS

1. The dictates of reason, the compulsions of geography, and the influence of international forces require that India and Pakistan should live in peace, but their poverty-stricken masses have been denied the benefits that ought to have accrued to them from political independence. In the Hindu national consciousness, as inspired by many Hindu writers of the last century, the sub-continent is conceived as one and indivisible from Khyber hills to the far South with the North West, which is now Pakistan, as its heart and soul. Geographically India was never completely united under one rule, except that of the British, and nominally for a few years under the Mughal Emperor Aurangzeb. However, now that the Muslims have succeeded in carving a home for themselves, Pakistan is considered by the Hindus as a cruel mutilation of *Bharat Ma'ta*, their motherland. The Indian leaders agreed to Pakistan only when it became clear to them that partition was inevitable and that they had to concede to this division as a price for the transfer of power from British to Indian hands. Gandhi, Nehru, Patel and the other Hindu leaders never really conceded the two-nation theory. They accepted partition as a matter of bitter expediency, in the hope and expectation that the new state would not be viable and would collapse under pressure from its larger and powerful neighbour.
 2. From the very outset India's ambition has been to absorb Pakistan or turn her into a satellite. The colossal problem of refugee rehabilitation was created in 1947 by India to cripple our economy. This was accompanied by denying us our share of the assets of undivided India, and the threat of diversion and stoppage of river-waters flowing into our territory. Contrary to all agreements and principles, India forcibly occupied a major part of the State of Jammu and Kashmir and concentrated her forces there, thus posing a constant threat to our security.
 3. The Indian leaders made no secret of their designs. Mr. Acharya Kripalani, who was President of the Indian National Congress in 1947, declared: "Neither the Congress nor the nation has given up its claim of a united India." Sardar V B Patel, the first Indian Home Minister and the strongman of the Congress party, announced at about the same time: "Sooner or later we shall again be united in common allegiance to our country."
- Thus, from the day of Independence, Pakistan was involved in a bitter and prolonged struggle for her very existence and survival. The central issue between India and Pakistan is whether an Islamic State and a secular Hindu state can co-exist in relative peace?
4. After partition of the Sub-continent the first major event, apart from the problem of refugees and the division of assets, which brought the two countries to the verge of confrontation, was the Indian treatment of the large Muslim minority in that country. The situation worsened to such an extent that in 1950 Prime Minister Liaquat Ali Khan had to undertake a hazardous journey to India in the climate of mounting tension,

their relationship with global powers and furthering their national interests has become more complex and difficult. This relationship is on an unequal footing, and no small nation can possibly bring a global power under its influence on the plea of justice or because of the righteousness of its cause. In the ultimate analysis it is not the virtue of the cause that becomes the determining factor but the cold self-interest of the global powers which shapes their policy, and this self-interest has better chances of prevailing in an endless and unequal confrontation between a global power and smaller nations.

5. In the light of these considerations it is highly instructive to study the state of our relations with India, as well as with the three global powers, during the months immediately preceding the out-break of hostilities in November 1971. Such a study would, however, not be complete without a brief historical review of the development of these relations since the establishment of Pakistan.

6. It will be seen that our foreign policy has passed through three distinct phases. The first phase was that of implicit reliance on the United Nations to guarantee our national security and to secure to the people of Kashmir their right of self-determination. When it became clear that United Nations was ineffective in the face of Indian intransigence, we were forced to abandon our policy of non-alignment. We entered into a bilateral defence agreement with the United States of America, and also became members of the SEATO and CENTO as part of the global strategy of the Western Powers. This phase ended in disillusionment when the United States and her western allies started arming India from 1959 onwards, in utter disregard to any consideration for our national security. Thus began the third and the present phase of our foreign policy, namely, a policy of peaceful co-existence with all countries of the world on the basis of respect for each other's sovereignty, territorial integrity, mutuality of interests and non-interference in each other's internal affairs. This is a policy of bilateralism, a relationship for mutual benefit but not at the cost of relations with a third country. Basing our actions on these principles we had fairly succeeded in normalising our relations with all our neighbours except India. However, certain unhappy events led to a rift between Pakistan and the Soviet Union over the political crisis in East Pakistan. All these matters will have to be touched upon in their proper context.

7. We shall conclude this part of the Report by examining the role played by the United Nations in handling the problem of East Pakistan refugees, the mounting tension between India and Pakistan as well as the situation arising out of the actual outbreak of hostilities between the two countries.

10

INDO-PAK RELATIONS

1. The dictates of reason, the compulsions of geography, and the influence of international forces require that India and Pakistan should live in peace, but their poverty-stricken masses have been denied the benefits that ought to have accrued to them from political independence. In the Hindu national consciousness, as inspired by many Hindu writers of the last century, the sub-continent is conceived as one and indivisible from Khyber hills to the far South with the North West, which is now Pakistan, as its heart and soul. Geographically India was never completely united under one rule, except that of the British, and nominally for a few years under the Mughal Emperor Aurangzeb. However, now that the Muslims have succeeded in carving a home for themselves, Pakistan is considered by the Hindus as a cruel mutilation of *Bharat Ma'ta*, their motherland. The Indian leaders agreed to Pakistan only when it became clear to them that partition was inevitable and that they had to concede to this division as a price for the transfer of power from British to Indian hands. Gandhi, Nehru, Patel and the other Hindu leaders never really conceded the two-nation theory. They accepted partition as a matter of bitter expediency, in the hope and expectation that the new state would not be viable and would collapse under pressure from its larger and powerful neighbour.
2. From the very outset India's ambition has been to absorb Pakistan or turn her into a satellite. The colossal problem of refugee rehabilitation was created in 1947 by India to cripple our economy. This was accompanied by denying us our share of the assets of undivided India, and the threat of diversion and stoppage of river-waters flowing into our territory. Contrary to all agreements and principles, India forcibly occupied a major part of the State of Jammu and Kashmir and concentrated her forces there, thus posing a constant threat to our security.
3. The Indian leaders made no secret of their designs. Mr. Acharya Kripalani, who was President of the Indian National Congress in 1947, declared: "Neither the Congress nor the nation has given up its claim of a united India." Sardar V B Patel, the first Indian Home Minister and the strongman of the Congress party, announced at about the same time: "Sooner or later we shall again be united in common allegiance to our country." Thus, from the day of Independence, Pakistan was involved in a bitter and prolonged struggle for her very existence and survival. The central issue between India and Pakistan is whether an Islamic State and a secular Hindu state can co-exist in relative peace?
4. After partition of the Sub-continent the first major event, apart from the problem of refugees and the division of assets, which brought the two countries to the verge of confrontation, was the Indian treatment of the large Muslim minority in that country. The situation worsened to such an extent that in 1950 Prime Minister Liaquat Ali Khan had to undertake a hazardous journey to India in the climate of mounting tension,

to conclude what is popularly known as the Liaquat-Nehru Pact. This document opens with the following general declaration:

“The Governments of India and Pakistan solemnly agree that each shall ensure to the minorities throughout its territory, complete equality of citizenship, irrespective of religion, a full sense of security in respect of life, culture, property and personal honour, freedom of movement within the country and freedom of occupation, speech and worship, subject to law and morality.....”

5. It is of course unfortunate that the Liaquat-Nehru pact has been honoured more in the breach than its observance. Frequent communal riots involving acts of loot and arson, kidnapping, rape and killing of innocent Muslims have continued. The relations between the two countries were also affected by the mass exodus of population from each in the wake of partition. The operation of evacuee laws promulgated by the two governments has also led to considerable recriminations. Another factor which made its appearance at this time was the difficulty of implementing the awards of the Boundary Commissions, particularly the Bagge Award in East Pakistan.

6. Further complications were caused by the Indian refusal to allow to Pakistan its due share in the waters of the Indus- basin rivers in West Pakistan and of the River Ganges in East Pakistan. The Indus-basin Water Treaty did set the controversy at rest in West Pakistan, but the thorny question of the Farraka Barrage in East Pakistan was still unsolved when the 1971 war broke out.

7. The most explosive dispute between the two countries has, of course, been the occupation by India of the greater part of the predominantly Muslim state of Jammu and Kashmir on the pretext that the Maharaja had signed an instrument of accession. Geographically, economically and culturally, Kashmir is a part of Pakistan and would have naturally and inevitably acceded to it if the people had been left free to make their own choice. Its occupation by the Indians was an act of pure and naked aggression, amounting to a denial of their right of self-determination accruing to the people of Kashmir. It is not our intention, nor is it necessary for the purposes of the present report, to embark upon any elaborate discussion of the course the Kashmir dispute has taken during the last quarter of a century. It would suffice to say that throughout these long years India has thwarted every effort by Pakistan and the United Nations to reach a peaceful settlement of this dispute in accordance with the several resolutions of the Security Council. Since the ceasefire brought about by the United Nations with effect from the 1st of January, 1949, India has constantly engaged herself in actions calculated to aggravate the dispute, thereby not only causing misery, resentment and frustration among the Kashmiris, but also threatening the security of Pakistan. The initiative taken by Field Marshal Muhammad Ayub Khan in meeting Pandit Jawaharlal Nehru in New Delhi on the 1st of September, 1960, and again at Rawalpindi between the 19th and the 23rd of September, 1960 did not produce any tangible result.

8. The Sino-Indian border conflict of October 1962 provided the United States of America the opportunity for which she had been looking from the time of partition of the sub-continent. Although relations between Pakistan and United States had continued to grow during the late fifties, since the signing of the Mutual Security and Assistance Agreement on the 19th of May, 1954, yet the United States had been constantly making overtures to India by offering massive economic aid, in spite of India's firm commitment to the policy of so-called non-alignment. It appeared to the United States that India's cooperation was essential for the success of the American global policy of the containment of Communist China. The rout of the Indian army in Ladakh and NEFA evoked immediate reaction in the United States. Without so much as consulting Pakistan, Western allies of the United States were mobilised to render military assistance to India. In the meantime, on the 21st of November, 1962, China unilaterally declared a ceasefire and withdrew its forces; but Mr Nehru, encouraged by the quick and zealous response of the West - and in particular the United States - declared in December 1962, that India would continue its military preparations even if the Sino-Indian Border dispute was settled. The Indian military build-up, primarily with the assistance of the United States, tilted the balance against Pakistan, thus seriously

endangering her security. It is interesting to observe that even earlier India had received military assistance from the United States under a Mutual Defence Assistance Agreement signed in 1951 (reaffirmed in 1958), but until 1962 the Americans had continued to draw a distinction between a non-aligned India and the American ally Pakistan. This distinction, however, disappeared after the Sino-India War of 1962.

9. The United States and her allies encouraged the Indians to believe that they would soon be facing a full-fledged invasion by China. Simultaneously with arming India, President Kennedy on the 28th of October, 1962, wrote to President Muhammad Ayub Khan requesting him, inter alia, to assure Mr Nehru that he could count on Pakistan's taking no action on the frontiers to alarm India or to compel her to maintain large forces on India's borders with Pakistan. In this letter President Kennedy assured Pakistan that such action taken in the larger interest of the sub-continent would do more in the long run to bring about a sensible resolution of Pakistan-India differences than anything else he could think of. When President Ayub showed his reluctance to oblige pressure was brought to bear upon him through the British Prime Minister, Mr Harold Macmillan and the Australian Prime Minister, Mr R G Menzies. Further efforts were made through personal visits to Pakistan and India by Mr Duncan Sandys, then Secretary of State for Commonwealth Relations in the British government, and Mr Averell Harriman, US Assistant Secretary of State for Far Eastern Affairs. As a result of these moves, a joint statement was issued by Field Marshal Ayub and Mr Nehru on the 29th of November, 1962, agreeing to direct talks on Kashmir and other related matters so as to enable India and Pakistan to live side by side in peace and friendship.

10. This joint statement was signed by Nehru at a time when the military situation between China and India had looked dismal from the Indian point of view. The Chinese were moving rapidly at both ends of the valley in the NEFA area; a major part of the Indian forces in the NEFA had been rendered ineffective. It appeared that the Chinese might take Tezpur, Jarhat and Digboi. However, within weeks of the unilateral declaration of ceasefire by China, the Indian attitude changed completely and the talks, which had never held much promise, got bogged down in procedural wrangles and academic inanities. Once the United States and other Western countries had decided that they would not link arms aid to India with a settlement of the Kashmir dispute, the Indians felt that they were under no compulsion to enter into serious discussions with Pakistan. The Indians were obviously playing for time. They had been able to secure a great deal of arms aid from the West, and a joint statement promising talks on Kashmir did not seem to them to be too high a price to pay. Thus a great opportunity for a peaceful settlement of the Jammu and Kashmir dispute was lost, without the Indians showing any appreciation for the extremely magnanimous gesture made by Pakistan in the hour of India's peril.

11. With every accession to its military strength and industrial potential, India's attitude towards Pakistan became increasingly aggressive. Indian leaders felt that they were about to realize their dream of hegemony of Asia, which happily coincided with the American concept of Asian security. There was frequent talk in the United States of a possible confederation between India and Pakistan, linked by a joint defence over Kashmir. The entire concept was of course based on the supremacy of India in Asia, without any regard for the security of Pakistan. It was in these circumstances that India embarked upon a series of new repressive measures leading to the popular agitation over the Hazrat Bal shrine incident which was, of course, ruthlessly suppressed. A large-scale ejection of Muslims was started from across the ceasefire line so as to make room for the settlement of militant Sikh and Dogra families. In this way the situation was deliberately brought to a head.

12. In April 1965, India embarked upon military operations in the Rann of Kutch. Although the battle went badly for the Indian forces and Pakistan was in a position to inflict a humiliating defeat on them, the military advantage was not pressed home by Pakistan, and we agreed to refer the Rann of Kutch dispute to international arbitration. The armies of the two countries, however, remained confronting each other at the borders until India launched a perfidious attack on Pakistan during the early hours of the 6th of September 1965.

13. India has, no doubt, been alleging that she was forced to cross the international frontier owing to infiltration of guerillas into Kashmir from West Pakistan, whereas our position has been that there were no

infiltrators and it were the Kashmiris themselves who had revolted against Indian rule. It was further our position that our forces struck at Chamb so as to prevent the possible loss of Azad Kashmir and a direct threat to Pakistan as a consequence of the crossing of the ceasefire line by the Indian forces. The Indian attack was severely condemned in most parts of the world and India was accused of aggression across an international border. Numerically superior Indian forces were stopped by a much smaller but highly determined Pakistani army on both the Lahore and Sialkot sectors. The Pakistan Navy and the Pakistan Air Force also gave an extremely good account of themselves in combating the enemy forces. The Indian attempt to dismember and capture Pakistan stood defeated.

14. After the ceasefire came the Tashkent Conference, which was a triumph of Russia's new diplomacy and the beginning of a fresh approach to the Indo-Pakistan sub-continent. In spite of the popular reaction to the Tashkent Declaration, there was hope that this new initiative by the Soviet Union might open the way to a peaceful settlement of the Indo-Pakistan disputes, but alas that was not to be. A meeting was indeed held with India in March 1966, but the Indians were adamant and did not agree to the inclusion of the Kashmir dispute in the agenda for the talks, on the pretext that public opinion in India was opposed to such a course. In October 1966, Pakistan expressed its willingness to negotiate with India on all matters in a third country. In 1969, we suggested a self-executing machinery consisting of officials of the two countries to resolve all disputes. In 1970, we suggested withdrawal of all India and Pakistan forces from Kashmir to enable its people to exercise the right of self-determination. No progress could, however, be made because of India's negative attitude.

15. Pakistan also held a series of talks with India to resolve the Farraka barrage dispute, but the question of the sharing of the quantum of waters of the Ganges remained unsolved. We also expressed our willingness to discuss resumption of trade and air services provided India showed accommodation in sharing the Ganges water with East Pakistan. All these efforts met with little success. As a result, all these disputes have remained un-resolved and India continues to occupy the State of Jammu and Kashmir by force, thus perpetuating the old animosities and conflicts.

16. In this background of relations between India and Pakistan, since their independence in 1947 it is not difficult to appreciate the part played by India in precipitating the crisis in East Pakistan. Direct evidence of India's collusion with anti-state elements in East Pakistan had come to light when the Agartala conspiracy was unearthed in 1967. It was revealed that as early as September 1964, a revolutionary organization was formed, for separating East Pakistan from the rest of the country, and Sheikh Mujibur Rahman became associated with it. India had promised not only arms and financial aid for organizing a revolt in East Pakistan, but it had also undertaken that on the D-Day it would block the air and sea routes linking East Pakistan with West Pakistan. It is true that owing to a combination of circumstances a judicial verdict cannot be pronounced in the Agartala conspiracy case, but the evidence of India's complicity in that affair could not be lightly brushed aside. It is in fact significant that events in 1971 have followed the pattern disclosed during this case.

17. On the 30th of January, 1971, the Indian authorities staged the hijacking of one of their planes to Lahore, and its subsequent destruction by the hijackers, who have been found to be Indian agents as a result of a judicial inquiry held by a Judge of the Sind and Baluchistan High Court. This incident was seized upon by the Indian government to ban flights of Pakistan's civil aircraft in order to increase difficulties and tensions between the two wings of Pakistan at a critical juncture in the political and constitutional negotiations between the Pakistan government and the leadership of the Awami League in East Pakistan.

18. At about the same time India also made certain unmistakable military moves to back up the secessionists in East Pakistan. Large number of troops were moved towards the East Pakistan borders in February and March 1971. Jet fighters and transport aircraft were concentrated in airfields in the border areas. In addition to regular forces, numerous battalions of the Border Security Force (BSF) were moved to the borders of East Pakistan, BSF marking was removed and jeeps and other vehicles had been repainted in civilian colours. It

has been established by subsequent inquiries that many of these BSF battalions were engaged in operations inside East Pakistan from late March 1971, onwards. The Pakistan army was able to capture large quantities of Indian arms and ammunition from miscreants from inside East Pakistan territory.

19. Although the army action in East Pakistan, ordered by General Yahya Khan on the 25th of March 1971, was clearly an internal and domestic matter, Indian leaders openly started interfering in the crisis. Formal resolutions in support of "Bangladesh" were passed in several Indian State Assemblies, and the Deputy Chief Minister of West Bengal went so far as to state that "we in West Bengal recognize Bangladesh although the Central government has not done so yet." A resolution was also moved by the Indian Prime Minister in the Indian parliament and passed by both Houses on the 30th of March, 1971, expressing 'profound sympathy and solidarity with the people of East Bengal' and assuring them that 'their struggle will receive the whole-hearted sympathies and support of the people of India.' On the 4th of April 1971, the All India Congress Committee unanimously adopted the resolution passed by the Indian parliament on Bangladesh. Speaking on the resolution, the General Secretary of the West Bengal unit of the All India Congress Committee, Mr K K Shukla, said, "Sheikh Mujibur Rahman was fighting India's war."

20. Apart from political leaders, the Indian press and the Indian intellectuals also took a hand in this matter, and left the world in no doubt about the consistent Indian aim of seeking of enfeeble and dismember Pakistan. On the 30th of March 1971, the Bombay daily "Indian Express" openly advocated India's armed interference in East Pakistan by saying that "It is a truly historic moment, and the time to act is now."

On the 7th of April, 1971, the Director of the Indian Institute for Defence Studies, Mr Subramaniam, in a reference to the India-backed armed rebellion in East Pakistan, said that "what India must realize is the fact that the break up of Pakistan is in our interest and we have an opportunity the like of which will never come again."

21. The same theme was repeated by another Indian commentator, Subramaniam Swamy, in an article published in the Indian daily "Motherland" on the 15th of June 1971. Considering the pros and cons of the break up of Pakistan the commentator argued that "the territorial integrity of Pakistan is none of our business." That is Pakistan's worry. All we should concern ourselves with is two questions: Is the break up of Pakistan in our long-term national interest? If so, can we do something about it? The article concluded with the observations that "the break up of Pakistan is not only in our external security interest but also in our internal security interests. India should emerge as a super-power internationally and we have to nationally integrate our citizens for this role. For this the dismemberment of Pakistan is an essential pre-condition."

22. Finally, the Indian Prime Minister herself declared on the 15th of June 1971, that "India would not for a moment countenance a political settlement which meant the death of Bangladesh."

This statement coming from the highest authority in India set the seal on India's evil designs and her aggressive intentions towards Pakistan.

23. Right from the beginning, India made intensive efforts to internationalize the political crisis in East Pakistan. She launched a world-wide diplomatic campaign aimed at:

- (a) invoking some kind of international intervention under the plea of 'stopping genocide' and restoring political rights to the people of East Pakistan and
- (b) creating a climate in which her own intervention, if found necessary and expedient, would not invite much adverse international reaction.

The number of refugees from East Pakistan, and the financial burden of supporting them, were exaggerated beyond all proportions. Appeals were made to international agencies on humanitarian grounds, and highly exaggerated and distorted stories of atrocities were circulated in the international press. In the

beginning the Indian efforts did not evoke much response from the international community, but as the army action in East Pakistan became prolonged without an acceptable political solution in sight, the world reaction became hostile to us. We shall have occasion to refer to this matter later, but at this stage it is sufficient to say that India made full use of the conditions prevailing in East Pakistan to further its own ends.

24. Side by side with the diplomatic offensive, the government of India started active physical intervention in East Pakistan by training and arming the members of what came to be known as the 'Mukti Bahini,' and infiltrated them into East Pakistan. The information available to the Commission shows that during the period from March 1971, to October 1971, the Indians trained and sent across to East Pakistan miscreants for the purpose of creating large scale disturbances, disrupting means of communication, and causing terror among the peace long and patriotic elements of East Pakistan.

25. The Indians also started shelling of East Pakistan villages. Confirmed reports of incidents in the areas of Benapol (Jessore), Hilli (Dinajpur), Barangamani (Rangpur), Kamalpur (Meminshahi), Atgram, Zakiganj and Dhulai (Sylhet), Saldanadi (Comilla), Balonia (Noakhali) and Ramgarh (Chittagong), are available. These shellings not only continued in an open violation of our international border, but also created considerable panic and confusion in the border areas, thus leading to a large influx of refugees into India. These Indian acts of aggression also prevented the return of refugees to East Pakistan, in spite of the fact that the then President of Pakistan had declared a general amnesty, welcoming every bona fide resident of East Pakistan who had been compelled to cross over to India due to the political disturbances. Thus, on the one hand, Indian were raising a lot of hue and cry over the refugee problem and the desirability of a political settlement, on the other hand they were doing every thing possible to thwart the attainment of these objects.

26. Simultaneously with the provocative and hostile acts described in the preceding paragraphs, the Indians started concentrating their troops near the borders of East and West Pakistan, thus deliberately creating an explosive situation. Apart from the regular shelling carried out by the Indian artillery with increasing intensity by October-November 1971, Indian Air Force also started violating air space over East Pakistan, and the Indian Navy stepped in to interfere with our merchant ships and to pose a serious threat to all vessels approaching the ports of Chittagong, Khulna and Karachi.

27. During these critical months, Pakistan took several initiatives to defuse the situation. We have already mentioned the grant of general amnesty to those who had crossed into India. The government also established reception centres to facilitate the return of refugees from India. It agreed to receive representatives of United Nations High Commissioner for Refugees so as to enable this UN Agency to form its own estimate of the nature and magnitude of the refugee problem. The Pakistan government also permitted several groups of foreign parliamentarians and journalists to visit the borders and see things for themselves. On the military side, the government proposed the withdrawal of forces from both sides of the border and stationing of UN military observers. When India did not agree to these proposals Pakistan went to the extent of making a unilateral offer to receive military observers only on her side of the borders. However, none of these proposals were accepted by India, not did the international community bring any pressure on India to accept the same.

28. While tension was thus mounting between the two countries, the Indian Prime Minister, Mrs Indira Gandhi, undertook in October and November 1971, an extensive tour of western capitals to enlist support for her aggressive designs on Pakistan. She repeatedly emphasized the intolerable financial burden and the moral, political and social strains imposed on India by the influx of East Pakistan refugees. Before her own tour she had sent out almost all her cabinet ministers and other high officials to various countries to obtain political and financial support for her country as against Pakistan.

29. Since the army action in East Pakistan on the 25th of March, 1971, important leaders of India, like Mr J P Narian, the Defence Minister Mr Jugjeevan Ram, the Minister for Tourism and Civil Aviation Dr Karn

Singh, the Finance Minister, Mr Y B Chavan and the Chairman of the Foreign Policy Planning Committee Dr D P Dhar, started making frequent statements supporting the demand for an independent Bangladesh, and insisting that the only solution acceptable to India would be the one demanded by Sheikh Mujib. They also started threatening Pakistan with open war. It appears that for the first time this was hinted by the Indian Prime Minister on the 18th of May 1971 when she declared that "India was fully prepared to fight Pakistan."

On the 13th of June, the Indian Minister for Industrial Development said in Hague, "public opinion in my country is inclined towards the view that war with Pakistan would be less expensive than the aid to refugees."

On the 25th of June, the Foreign Minister, Mr Swarn Singh, told meeting of the ruling Congress party, "we may have to take action on our own if a satisfactory solution to the Bangladesh crisis is not found soon."

After signing the Indo-Soviet treaty on August 9, 1971, Mr Swarn Singh made a statement in the Lok Sabha on August 10 in which he said, "the Indo-Soviet Treaty did not prevent India from taking unilateral action in Bangladesh."

Another significant statement in this behalf came from the Indian Minister for Labour and Rehabilitation Mr R K Khadikar, when he declared on August 22, 1971, that "the Indo-Soviet Treaty had strengthened the forces of liberation in Bangladesh."

30. The Government of India continued to aggravate matters in various ways. When it was reported that certain East Pakistanis attached to the office of the Pakistan High Commission in Calcutta had defected to Bangladesh, the Indian government not only refused permission to our Deputy High Commissioner there to meet the East Pakistani personnel so as to ascertain their true wishes, it made life impossible for the Deputy High Commissioner by subjecting him to humiliating restrictions on his movements and freedom of action as a diplomat. The Pakistan High Commissioner in New Delhi was also denied the customary privileges and courtesies. At about the same time the government of India persuaded the secessionist Awami League leaders to establish a so-called government of Bangladesh in Calcutta. The Indian hastened to accord diplomatic recognition to the 'so-called government of Bangladesh on the 6th of December 1971.

31. Not Declassified

32. We have said enough to show that by October and November 1971 it had become abundantly clear that, true to its traditional hostility towards Pakistan, India was inexorably moving towards an open war of aggression against Pakistan. The conclusion flows directly from the declarations of her leaders, her diplomatic activity throughout the world, her signing the Indo-Soviet Treaty on the 9th of August, 1971, the moves of her armed forces on the borders of both wings of Pakistan, her rejection of all reasonable proposals to defuse the situation, and her constant support for training and equipping the anti-state forces in East Pakistan. This conclusion was forcefully brought out by our foreign office as well as by the intelligence agencies of the armed services. The then President Agha Muhammad Yahya Khan was fully apprised of the same. We were therefore greatly surprised when the General stated before us that he was hoping that India would not start an open war. It is not easy to assess the influence which such a misconception might have exercised on the General's actions and decisions in preparing the nation and the armed forces for this eventuality. All we can say is that if indeed General Yahya Khan acted under any such misconception, then he betrayed a colossal lack of understanding of India's intentions and designs.

12

UNITED NATIONS

1. In order to appreciate the role played by the United Nations in relation to the crisis in East Pakistan, and for putting a stop to hostilities after the Indian invasion had commenced on the 21st of November, 1971, we had requested our Ambassador at the United Nations Mr Agha Shahi, to compile an authentic account of the various moves and events as they unfolded at the United Nations. The Ambassador has been good enough to send us a detailed narrative which makes an extremely interesting reading, and brings out clearly the part played by United States, the Soviet Union, China, Great Britain, France and the Afro-Asian countries. It also serves to emphasize the importance, in the presence of the veto power of the permanent members of that body, as well as of the General Assembly to restore peace between two warring member states. Even though one hundred and four nations of the world supported Pakistan's stand in the General Assembly, the repeated use of the Soviet veto in the Security Council successfully barred the taking of timely action to prevent the dismemberment of Pakistan.

2. NOT DECLASSIFIED

3. When the East Pakistan crisis began in March 1971, government took the position that it was purely an internal matter and, therefore, beyond the political, or even humanitarian intervention of the United Nations or any of its organs or agencies. This stand was later modified only to the extent of admitting humanitarian assistance from the United Nations.

4. In conformity with this attitude, the Mission succeeded, from late March to July, in resisting any political intervention in the crisis by the United Nations. India first tried to engage the Security Council. Thwarted in that attempt, it raised the issue in the ECOSOC as a case of massive violation of human rights. Despite the support of some members, however, it did not succeed in obtaining any pronouncement or resolution against Pakistan from ECOSOC in May.

5. But the magnitude of the crisis, especially reports of large-scale killings and a massive exodus of refugees, had the inevitable effect of focussing international attention on the problem. Gradually, the acceptance of our position (which was based on the principle of domestic jurisdiction) diminished and the trend of opinion began to turn against us. On 23rd June, Prince Sadruddin Agha Khan, UN High Commissioner for Refugees, publicly called for a political solution in East Pakistan, thus articulating what by then had become a general trend of opinion in UN circles.

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6. On the 20th of July, the secretary-general of the United Nations, who had earlier expressed his concern at the situation in East Pakistan in humanitarian terms, sent a confidential memorandum to the President of the Security Council for circulation among the Council members. This memorandum drew attention to the grave political implications of the problem and dwelt on the crisis as a potential threat to international peace.

7. At this stage, government first continued to resist the idea of any consideration of the situation by the Security Council. Within a few days, however, it changed its mind and expressed the view that a Security Council meeting 'may prove useful' in averting a conflict. But since no formal request for a meeting was decided to be made, the members of the Security Council were unwilling to meet on their own accord. The diametrical opposition between India's and Pakistan's views was considered by them as an insuperable obstacle to a useful outcome.

8. Faced with this, government then proposed that a good offices committee of the Security Council should visit India and Pakistan. The suggestion elicited some sympathetic interest from the non-permanent members of the Council but was regarded skeptically by the permanent members and opposed outright by the Soviet Union.

9. The secretary-general made an offer of his good offices to both India and Pakistan on 20th October. The former President welcomed the offer in his reply of 22nd October and suggested the withdrawal of the forces of both countries to a mutually agreed safe distance on either side of the border. Nothing came of this offer, as India did not accept it.

10. From this point on until the actual outbreak of hostilities in the West (3rd December) government kept addressing the secretary-general and asking for his initiative. The secretary-general could do nothing without a mandate from the Security Council.

WAR

11. The proceedings of the United Nations concerning the war can be divided into four distinct phases. The first phase lasted from the Indian invasion of East Pakistan on 21st November to the outbreak of general hostilities on 3rd December; the second from 3rd December to the day (10th December) when General Farman Ali's message was received and interpreted at the United Nations as capitulation; the third from 10th December to the ceasefire on 17th of December and the last from the cessation of hostilities to 21st December, when the Security Council adopted Resolution 307 (1971).

Phase One

12. During this phase, no move was made by the government to request a meeting of the Security Council. The commission feels that it was due to the fear that a consideration by the Security Council might end in foisting a political solution on Pakistan which was unacceptable to government.

Phase Two

13. After the outbreak of war in the West, the Security Council met, principally at the request of the United States. Pakistan's case, as presented in the Council, centred on India's armed intervention followed by outright invasion. It demanded condemnation of Indian aggression, a ceasefire and withdrawal of forces. On the other side, India's case consisted of (a) allegations of 'genocide' by the Pakistan government in East Pakistan, (b) the impossibility of the return of the refugees without a political settlement acceptable to the elected representatives of East Pakistan, (c) the consequent necessity of the immediate achievement of such a

settlement, (d) the allegation that Pakistan had initiated hostilities in the West and (e) the assertion that only a political solution in the East would end the hostilities.

14. At this stage, there were three distinct positions taken by the members of the Security Council. The first, partly supported by the majority and articulated in the draft resolution of the United States (S/10416) which called for an immediate ceasefire/ withdrawal of armed personnel etc, was favourable to Pakistan. While China charged India with committing aggression against Pakistan, the majority of the Council members stressed the importance of an immediate cessation of hostilities and a subsequent consideration by the Council of 'the issues which have given rise to the conflict.' China, Somalia and Argentine also stressed the need for the withdrawal of the forces of both sides from each others' territory.

15. The second position was that of the Soviet Union which proposed its own draft resolution (S/10418) calling "for a political settlement in East Pakistan which would inevitably result in a cessation of hostilities" and for the taking of measures "by the Government of Pakistan to cease all acts of violence by the Pakistani forces in East Pakistan..." This position was blatantly one-sided in favour of India.

16. The third was that of the British and French representatives who made it clear that they would support only a resolution which would escape the Soviet veto. Their position in effect strengthened India.

17. The draft resolution of the United States received 11 votes in favour, but was vetoed by the Soviet Union. The Soviet draft resolution obtained only 2 votes in favour with 1 against and 12 abstentions.

18. The two resolutions had left the majority of the Council members dissatisfied as, in their view, for a resolution to be effective and balanced, its essential ingredients were:

- i) ceasefire,
- ii) withdrawal, and
- iii) an early political settlement in East Pakistan.

Accordingly, eight non-permanent members proposed a new draft resolution incorporating the two first elements in the operative part and the third in a preambular paragraph. This draft resolution (S/10423) also received 11 votes in favour with 2 against and 2 abstentions. The Soviet veto killed the draft resolution; Britain and France abstained.

19. After exercising its two vetoes, the Soviet Union subtly sought to moderate its one-sided stand. This resulted finally in its proposing a new draft resolution (S/10428) which recognised that the hostilities between India and Pakistan constituted an immediate threat to international peace and security and called upon "all parties concerned forthwith as a first step for an immediate ceasefire" and upon the government of Pakistan simultaneously to take effective action towards a political settlement in East Pakistan, giving immediate recognition to the will of the East Pakistan population as expressed in the elections of December 1970. But the Soviet Union did not press this draft resolution to a vote because there was no hope of its adoption by the Council. In accordance with government's instructions, we opposed the Soviet proposal as being tantamount to asking us to agree to the immediate secession of East Pakistan under the duress of Indian aggression.

20. At this stage, the non-permanent members of the Security Council were feeling frustrated by Soviet vetoes and endless Soviet filibusters. They agreed to refer the question to the General Assembly under the Uniting for Peace resolution. The Council adopted this decision by 11 votes in favour and 4 abstentions (Soviet Union, Poland, Britain and France).

21. The General Assembly met on 7th December and adopted resolution 2793 (XXVI) with 104 votes in favour, 11 against and 10 abstentions. This resolution was practically identical to the text of the draft resolution (S/10423) which had been submitted to the Security Council by eight non-permanent members and vetoed by the Soviet Union on 5th December.

22. It will be seen that, during the second phase, Pakistan won a massive endorsement of its position by the General Assembly insofar as Indian invasion and armed intervention were concerned. The proceedings of the Security Council also had given no political comfort to India, even though the Soviet veto had succeeded in preventing a call for immediate ceasefire and withdrawals. It must be stressed, however, that these results were possible because at that time Pakistan was still thought to be determinedly resisting Indian aggression.

Phase Three

23. This impression, so essential to our bargaining position, was abruptly destroyed early on 10th December, by the note handed over in Dacca by General Farman Ali to Mr Paul-Mare Henry, the secretary-general's representative. This note was superseded later by another proposal from Governor Malik which, the foreign secretary informed us, was "authorized," even though, on instructions. The submission of the authorized message to the secretary-general was withheld and the secretary-general was asked to disregard Farman Ali's note. The two proposals, despite differences between them, made it clear that Pakistan could not sustain the military confrontation any longer. The purport of Farman Ali's offer became generally known through the delegations of certain permanent members of the Security Council.

24. The news of Farman Ali/Malik proposals was communicated to Mr Bhutto as soon as he arrived in New York on 10th December. Extremely shocked, he immediately sent a telegram to the former president saying that Farman Ali's offer would "spell the humiliating end of the whole of Pakistan" and that he "would not participate in the implementation of such an ignominious surrender." President Bhutto suggested to the former president to "continue resolutely on the lines of our discussion before my departure." In later messages, he also suggested to bring the Chinese and American delegations to an agreement and to try to hold and, if possible improve our military position on the ground for a week.

25. On 12th December, President Bhutto held intense consultation with high level US officials and with the Chinese delegation. It was decided that the Security Council meeting should be convened urgently and a draft resolution identical to the one adopted by the General Assembly should be moved in the Council and after it was vetoed by the Soviet Union, a simple ceasefire resolution should be introduced.

26. In reply to President Bhutto's urgent messages the former president stated that Farman Ali's "slip had been nipped in the bud" and that the former president's own offer had been "confined only to ceasefire" and even this, on subsequent developments, had been withheld. However, the former president said that "holding our militarily for at least one week" would be "fatal to our position." His telegrams stressed the need for "fastest action," meaning a ceasefire. In another telegram, the former president said that he agreed to the tactics worked out with the United States and the Chinese delegations.

27. On Dec 12, in a situation which was increasingly becoming desperate, President Bhutto urged the former president to go to China as a last resort and try to get its effective intervention in order to save the country.

28. The Security Council was reconvened on Dec 12. The foreign minister of India, demanding that the representative of Bangladesh be invited, asserted that their presence was imperative for the success of any proposal for a ceasefire, "not only in Bangladesh but also in the West," President Bhutto referred to the "dire importance" of the occasion "not only to Pakistan but to the world community and the United Nations." He emphasized that the issue involved all states, big and small. He argued that "states are not to be penalized for their mistake." He reminded the Soviet representative of the promise made to Pakistan of non-interference in its internal affairs which had been belied by the Indo-Soviet Treaty.

29. The proceedings of the Security Council from this meeting onwards made it clear that the Soviet Union was determined not to allow any resolution to pass which did not link the ceasefire with a simultaneous political settlement in East Pakistan. The Soviet representative's appreciative reference to the Farman Ali

formula can be understood in this light. The government's hope for a simple ceasefire thus proved to be unrealistic. The United States draft resolution (S/10446/Rev.1), which in substance was identical to the General Assembly resolution 2793 (XXVI) was again vetoed by the Soviet Union.

30. After the third Soviet veto, the delegates of the United Kingdom and France privately criticized the US delegation for pressing to a vote a resolution which was certain to be vetoed by the Soviet Union. They announced that they would work for a formula that would be acceptable to all on the basis of three elements: (1) cessation of hostilities, (2) disengagement of forces and (3) ensuring justice, meaning a political settlement. It became apparent that they were waiting for the fall of Dacca, so that they could induce Pakistan to accept a call for political settlement and thus placate the Soviet Union and India. Following news reports of India's call for surrender to Pakistan forces in Dacca, the British and French delegations took the initiative to canvass a text which called for:

- (a) an immediate ceasefire on the border of West Pakistan and on the 1965 ceasefire line in Kashmir;
- (b) negotiations between military commanders of both sides in East Pakistan for an immediate ceasefire by all forces under their command;
- (c) negotiations for a comprehensive settlement of all the differences which led to the crisis, including a political settlement, in accordance with the wishes of the people of East Pakistan, and
- (d) an affirmative response by the two governments to the proposal of the secretary-general offering his good offices.

31. While we were engaged in efforts to have this draft modified, reports reached here of Gen. Niazi's approach to the Indian army chief of staff for a ceasefire in East Pakistan. Consultations among members of the Security Council thereafter were influenced by this complete collapse of Pakistan's military position in the East.

32. At this stage, the United States' delegation informed us that it had not been able to persuade the Soviet Union to accept a simple ceasefire resolution. It became apparent that there was no possibility left of our obtaining a resolution from the Security Council which would (a) safeguard Pakistan's territorial integrity and (b) command India's acceptance. Since the endless consultations without any result, which would respect Pakistan's basic position demeaned the country, Mr Bhutto resolved that what was our national humiliation in Dacca should not also amount to our national humiliation at the UN. Accordingly, we requested an urgent meeting of the Security Council which was addressed by Mr Bhutto. He declared that he would not be a party to the legislation of aggression and 'to ignominious surrender of part of my country.' He walked out of the Security Council chamber after concluding his address.

33. This courageous and defiant gesture was applauded by large sections of even a hostile press and by the delegations of all small countries. Some Arab delegates privately remarked that Mr Bhutto had done what they had regrettably failed to do in a similar situation of military defeat and humiliation in 1967.

34. The impact of Mr Bhutto's walk-out was apparent when, at the next meeting of the Security Council, a member conceded that Mr Bhutto was "quite entitled to complain of the absolute paralysis of the Security Council" and informed suggestions were made for taking the matter back to the General Assembly. Against the background of a rapidly deteriorating situation, a number of draft resolutions were proposed: one by Poland; the second by the UK and France; the third by Syria and the fourth by the Soviet Union. All these proposals gave emphasis, in varying degrees, to "a political settlement."

35. Of these, the Anglo-French draft resolution (S/10455) became the most important. Inter alia, it called for:

- (1) an immediate and durable ceasefire and cessation of all hostilities in all areas of conflict in the Western theatre and for an immediate and durable ceasefire and cessation of all hostilities by the forces in East Pakistan, to remain in effect until operations of disengagement leading to withdrawals have taken place in both theatres.

- (2) The urgent conclusion of a comprehensive political settlement in accordance with the wishes of the people concerned as declared through their elected and acknowledged representatives and in conformity with the purposes and principles of the UN charter.

36. While this text was still being negotiated and we were making efforts towards its alteration in our favour, the news came of the request of our military commander in East Pakistan for a ceasefire. The British later told us that they were no longer in a position to press for inclusion of the principles of withdrawals in the Anglo-French text.

37. We continued to try to obtain a simple ceasefire resolution together with a call for adherence to the Geneva Convention as it was felt that, in this drastically changed situation, inclusion of any reference to a political settlement would legitimize the fait accompli. The threat of the Soviet Union veto - however, once again prevented the non-permanent members from tabling a new resolution which would call for an immediate ceasefire on both fronts by 16th December to be followed by disengagement and withdrawals from all occupied territories.

38. On 16th December, Chairman Bhutto received a telegram from the former president indicating an acceptance of the Anglo-French draft, preferably with modifications and, in case of its non-adoption, reversion to a simple ceasefire resolution. Before this message could be acted upon, report was received of the signing of the instrument of surrender in Dacca; the UK and French delegations no longer pursued their proposals. At the Council's next meeting the same day, the Foreign minister of India read out his prime minister's statement containing a unilateral declaration of ceasefire.

39. The Soviet Union sought to make capital out of India's declaration and moved a fresh draft resolution (S/10458) welcoming the cessation of hostilities in the East and seeking to ensure "an unimpeded transfer of power to the lawful representative of the people elected in December 1970." The proposal attempted to put the onus on Pakistan to reciprocate India's decision. It called for an immediate ceasefire along the entire border between India and Pakistan and 'along the ceasefire line of 1965 in Jammu and Kashmir.'

40. The drastically transformed situation consequent on the Dacca surrender rendered all previous draft resolutions obsolete. Since the latest Soviet draft resolution was now the only one in the field, it was necessary to have it countered. Accordingly, we requested the US to revive the text that had been prepared and negotiated on the previous days by the non-permanent members, but dropped by them under the threat of the Soviet veto. The US responded to our request and moved the draft resolution (S/10459/Rev.1) with Japan as co-sponsor. Its main provisions were:

- (1) Demands that an immediate and durable ceasefire and cessation of hostilities in all areas of conflict be strictly observed and remain in effect until operations of disengagement take place, leading to prompt withdrawal of the armed forces from all the occupied territories;
- (2) Calls upon all those concerned to take all measures necessary to preserve human life and for the observance of the Geneva Conventions of 1949 and to apply in full their provisions as regards the protection of wounded and sick prisoners of war and civilian population;
- (3) Invites the secretary-general to appoint a special representative to lend his good offices in particular for the solution of the humanitarian problems."

41. Even though this draft resolution sought to placate the Soviet Union by omitting any provision to supervise a ceasefire, the Soviet Union still opposed it. It objected to "prompt withdrawals from all the occupied territories" which implied that East Pakistan was a territory occupied by India. It did not want any reference to the General Assembly resolution No 2793 (XXVI) or to UNEPRO. Moreover, it did not want that a text should pass at that stage with the US as its sponsor.

Phase four

42. The former president responded to the Indian unilateral declaration of ceasefire by ordering his forces also to ceasefire on Friday with effect from 1430 GMT. The declaration suggested that if India was sincere in its declaration of ceasefire "then she should proceed through the United Nations to formalise it." However, after communicating its unilateral declaration to the Security Council, India had no interest in "formalizing" the ceasefire.

43. In response to the former president's urgent messages, Mr Bhutto left for Washington to meet President Nixon and thereafter flew back to Pakistan.

44. While, in the eyes of others, the issue lost much of its earlier urgency due to the stoppage of fighting, our effort to secure a resolution which, besides formalizing the ceasefire, would call for withdrawals from the occupied territories and restoring the ceasefire line in Jammu and Kashmir had to continue. This effort lasted from 17th to 21st December. It was the representative of Somalia who took the lead to consultation with the parties in order to evolve a text which would escape the Soviet veto. India insisted that such a text should include (a) no reference to the General Assembly resolution 2793; (b) no mention of the ceasefire line in Jammu and Kashmir or (c) no provision for withdrawals relating to both the eastern and western theatres in identical terms. We resisted India's demands and, after protracted negotiations, succeeded in securing a draft resolution (S/10465) which contained all these three "elements." While some compromise had to be made to arrive at a mutually acceptable text, it was agreed that, to safeguard against any misinterpretations, the sponsors should place on record their authoritative explanation of the text. The text of this explanation also had to be negotiated in detail. The draft resolution, along with the explanatory statement, formalized the ceasefire and upheld the principles of withdrawals of the armed forces to their respective sides.

45. The draft resolution (S/10465) was adopted at the final meeting of the Security Council on 21st December by 13 votes, none against and 2 abstentions (USSR and Poland). The authoritative interpretation was read out by Somalia.

46. After the adoption of the resolution, we made it clear that it did not detract from the tragic fact "that the Council had failed signally in dealing with the situation in accordance with the principles of the Charter." We also placed on record the considerations which would govern our government's attitude towards the resolution read with the authoritative interpretation given by Somalia.

47. The foreign minister of India, questioning the relevance of the reference to the General Assembly resolution 2793, stated that his country was willing to arrive at arrangements with the parties concerned to settle not only withdrawals, but also other problems by mutual negotiations. He also stated that the existence of 'Bangladesh and its government could not be ignored. The representative of Pakistan suitably replied to India's intervention.

Postscript

48. Subsequent to the proceedings of the Security Council, President Bhutto appealed to heads of states/government, which are members of the Security Council, to use their influence to stop the massacres of non-Bengalis by the Mukti Bahini. In pursuance of this appeal, we urged the secretary-general to send a special representative under paragraph 5 of resolution 307 (71). We also strongly urged upon all members of the Security Council to take immediate action to stop the bloodbath. They advised that a meeting of the Security Council would be inopportune and unproductive until the secretary-general's special representative submitted his report.

49. On 26th December, we communicated to the secretary-general the government's message conveying acceptance of the Security Council resolution 307(71) and emphasizing that the resolution had been adopted

under Chapter VII of the charter. The message declared that it was only the vacation of aggression without delay by India in East Pakistan and in all other areas of conflict, including the ceasefire line in Jammu and Kashmir, that would restore peace to the subcontinent.

50. India sent a communication to the secretary-general (document S/10501) on 10th January which stated that India was "willing to open bilateral negotiations with Pakistan for effective withdrawal as soon as practicable of all armed forces". As regards the withdrawal of Indian troops from East Pakistan, it stated that "both the governments of India and Bangladesh are seized of the matter" and that the withdrawal would take place "as soon as the two governments consider it practicable". The communication finally contained assurances of India's fully abiding by the Geneva Conventions of 1949 and of its cooperation with the United Nations for a satisfactory solution of all the humanitarian problems.

51. In the light of the events as narrated in the preceding paragraphs, three questions need to be answered:

- (a) Whether it was possible to refer the matter to the Security Council in November 1971 immediately after India had launched its open invasion of East Pakistan? If so, with what result?
- (b) Whether there was any possibility of an honourable ceasefire in East Pakistan accompanied by withdrawal of forces, if the eastern command had held out a little longer instead of surrendering, as it did on 16th December, 1971?
- (c) Whether it was possible to achieve a favourable result by accepting the Soviet, the Polish or the Anglo-French resolutions? If so, why were they not accepted by Pakistan?

52. In order to answer the first question it would be useful to state a few facts regarding the gradual internationalization of the East Pakistan crisis. From March to July 1971, the position taken by the government of Pakistan was that the East Pakistan crisis was entirely a matter of internal jurisdiction and, therefore, beyond the intervention of the United Nations. This view was apparently shared by a majority of the members of the Security Council as well as by the secretary-general of the United Nations. However, within a few weeks, after the March 25, 1971, the secretary-general felt constrained to express his concern over the situation in East Pakistan, though still on humanitarian grounds. At the 50th session of the Economic and Social Council in New York in May 1971 India made a determined bid to involve the Council in the situation in East Pakistan as a case of massive violation of human rights, but the Pakistan representative succeeded in persuading the ECOSOC against any decision or pronouncement in the matter. But on 23rd June 1971, Prince Sadruddin Agha Khan, the United Nations High Commissioner for Refugees, stated at a conference at the UN that only a political solution in East Pakistan would bring about the repatriation of the refugees whose exodus had been of an unprecedented nature and colossal magnitude.

This statement was significant because it was the first time that any UN official had publicly called for a political solution and thus articulated what had become a general trend of opinion in UN circles.

53. On 25th July 1971, the Pakistan government changed its view and informed its representative at the UN that a Security Council meeting may prove useful in averting a conflict with India and, therefore, Pakistan would favour calling a session to discuss the threat to peace in the subcontinent. As there was no formal request for calling a meeting of the Security Council, and as the Soviet Union and the other members of the Security Council were not favourably inclined at that stage, nothing materialized.

54. The Pakistan government then proposed that a good offices committee of the Security Council should visit India and Pakistan with a view to defusing the threatening situation. The suggestion elicited some sympathetic interest from the non-permanent members of the Security Council, but was opposed outrightly by the Soviet Union. Even the other permanent members regarded the same sceptically. The Soviet opposition was motivated by support for India and was also in conformity with her traditional aversion to any informal moves by the Security Council which would tend to erode her veto power.

55. On 3rd/4th October 1971, President Yahya Khan addressed a personal message to President Nixon of the United States drawing his attention to the "war-like situation in Pakistan and India and requesting that the US government extend the necessary help and assistance in this grave hour with a view to facilitating an urgent consideration of the situation by the Security Council". He added, "in case you deem that some other course of international action at this stage would be more helpful, I shall be grateful to be apprised of it".

56. This message was delivered to Dr Kissinger, the National Security Adviser to President Nixon, on the evening of 6th October 1971 by Mr Alvie, the Additional Foreign Secretary to the government of Pakistan, who was then on a US visit. Dr Kissinger told Mr Alvie and Ambassador Hilaly that he would immediately place the message before President Nixon and then communicate his views to Ambassador Hilaly. Meanwhile, he said, he would also consider this matter carefully adding that they would look into it with great sympathy.

Speaking of his own initial reaction, Dr Kissinger said that in case Pakistan decided to take the matter to the Security Council the US will be sympathetic, though in his opinion reference to Security Council "won't take us anywhere and perhaps more could be done by talking to Indians and Soviets".

He observed that the Security Council debate where Soviet exercise veto might also "inflare public opinion and thus worsen the situation". Finally, Dr Kissinger observed that he would like to discuss the matter in Peking with the Chinese leaders and see their reaction.

57. From 6th October 1971 to 21st November 1971, when East Pakistan was invaded by the Indian forces, there was no formal request from the government of Pakistan for a meeting of the Security Council, although in his correspondence with the UN secretary-general, Gen. Yahya had welcomed the good offices of U Thant. Even as late as 23rd November Gen. Yahya Khan, in a message to the secretary-general, merely sought the latter's personal initiative, although it had become abundantly clear that the secretary-general could take no initiative in the circumstances without a mandate from the Security Council. It had become unlikely that he would invoke Article 99 of the United Nations charter because of his feeling that the responsibility for suitable action lay on the Security Council, which had been apprised of the situation by him through his memorandum of 20th July 1971. U Thant explained this position clearly to the President of Pakistan in his letter of 26th November 1971, stating that for the moment he had gone as far as he was permitted under the charter.

58. On 29th November 1971, Gen. Yahya Khan again addressed the secretary-general suggesting the immediate stationing of a force of the UN observers on the Pakistan side of the East Pakistan border to report on its violations. On 3rd December 1971, after the outbreak of hostilities in the west, the then president once again addressed the secretary-general, expressing the hope that the international community would take note of the situation and uphold the principles of the UN charter forbidding the use of force and safeguarding the territorial integrity of all nations.

59. Thus, on the factual side, it appears that at no stage of the Indo-Pakistan crisis did President Yahya Khan consider it expedient to make a formal request for Security Council meeting.

To the last, he preferred to leave it to the secretary-general or to the members of the Security Council themselves to take the initiative, which none of them was willing to take. The Security Council members felt that it was for Pakistan or India to request a meeting.

60. Ambassador Agha Shahi seems to hold the view that the failure of the government to ask for a formal meeting of the Security Council immediately after the Indian invasion of East Pakistan had an important effect on the Council's consideration of the problem later. To use his own words "by not lodging a complaint in the Security Council about the Indian invasion as soon as it was launched, Pakistan assumed a posture different from that of a victim of aggression. It weakened the credibility of our claim regarding both the intent and the scale of Indian military action".

It appeared to the ambassador that the reluctance of government to approach the Security Council at this stage was caused by the government's anxiety to avoid any resolution which would call for a political settlement of the problem i.e. for an accommodation with the Awami League.

This known anxiety on our part produced the impression on friendly countries that either the government of Pakistan had detached itself from realities, or perhaps Pakistan was so strong militarily and so confident of making decisive gains in the western theatre later (particularly in Jammu and Kashmir) that it did not wish its freedom of action to be restricted by the pronouncements and decisions of the Security Council. It is indeed significant that the invasion of East Pakistan by India is perhaps the only instance of an armed attack by one member state of the UN upon the territory of another which the victim did not immediately bring before the Security Council. On the outbreak of hostilities on the West Pakistan-India border on 3rd December 1971, there was still no formal request for a meeting of the Security Council, though the Pakistan government had prepared a draft resolution of its own a few days earlier. However, on 4th December 1971, the US government conveyed to Pakistan its intention to request a meeting of the Security Council on their own, whether or not Pakistan agreed.

61. Ambassador Shahi does not appear to be alone in thinking that we should have requested for a meeting of the Security Council immediately after the Indian invasion of East Pakistan. A journalist by the name of Mr Qutubuddin Aziz (witness No 36), who was working in our embassy in Washington since April 1971, has expressed the view that from about 12th November 1971 onwards the Americans had become apprehensive about India's intention to launch a major offensive against East Pakistan, and they were, therefore, inclined to support a request for a meeting of the Security Council. According to Mr Aziz, the Americans had come to this view on realising that there was not much chance of Mrs Indira Gandhi allowing the American diplomatic initiative for a peaceful political solution to work out.

62. When questioned on this point, the Foreign Secretary Mr Sultan Mohammad Khan (witness No 143) stated that during the period prior to 21st/22nd November, 1971 the US was not sure of the wisdom of our going to the Security Council; but once East Pakistan had been invaded, and the government of India had itself admitted that her military commanders had been given permission to cross the borders of East Pakistan for taking defensive action, the situation had radically altered. At this stage, the US was all for calling a meeting of the Security Council, but, according to Mr Sultan Muhammad Khan, President Yahya Khan was not in favour of such a move right up to 4th or 5th December, 1971. The assessment of Mr Sultan Muhammad Khan is that this reluctance on the part of Gen. Yahya to go to the Security Council was due to his confidence that the Pakistan Army would make certain short-term gains on the western front.

63. We asked the former president to explain the circumstances and reasons which prevented him from taking the matter to the Security Council after the Indian invasion of East Pakistan on 21st November 1971. His replies to our questions show that he was all along thinking of the position obtaining in October 1971 when Dr Kissinger had indicated to the additional foreign secretary, in reply to president's message of 4th October, 1971 addressed to President Nixon, that the time was not opportune then to move the Security Council. This reply has, of course, no relevance to the situation created by the Indian invasion on 21st November 1971. The fear of the Soviet veto was no reason for not approaching the Security Council. There is no evidence that the other permanent members of the Security Council were reluctant to discuss the issue or to support the cause of Pakistan. Gen. Yahya Khan's repeated communications to the UN secretary-general for using his good offices has been properly replied to and it had become clear that U Thant was no longer in a position to take any personal initiative.

64. Considering all these facts and circumstances, it becomes amply clear that there was a positive failure on the part of Gen. Yahya Khan to immediately call for a meeting of the Security Council once India had launched a full scale invasion of East Pakistan on 21st November 1971. The ambassador, Shahi has rightly

stated that this was perhaps the only solitary occasion when the victim of aggression had not chosen to request for a meeting of the Security Council. It appears that Gen. Yahya Khan's reluctance arose out of two factors: (a) his fear that the world community might insist on a political settlement in East Pakistan with the duly elected leaders of the province, including Sheikh Mujib; and (b) his misplaced confidence that his army would be able to achieve substantial short-term gains in the western sector, thus ensuring a strong bargaining position for Pakistan in the event of ultimate cease-fire in both the wings.

65. The first factor was in the nature of a personal blind spot and should not have been allowed to prevail at the expense of national integrity. The second factor could have been of significance provided the requisite measures to achieve military gains had been taken with proper planning and firm determination - qualities which we have found lacking in the conduct of military operations by the army high command. Our finding, therefore, is that it was not only possible to take the dispute to the Security Council immediately after 21st November 1971, but that it should have been so taken, and that there was everything to be gained thereby. In the atmosphere then prevailing the international community was sympathetic to Pakistan in view of the naked aggression unleashed by India.

66. Turning now to the question whether it could have been possible to obtain an honourable cease-fire in East Pakistan by holding out somewhat longer beyond 16th December 1971, it is necessary to juxtapose the diplomatic situation obtaining at the UN over the military situation in Dacca. This exercise would also provide us an answer to the question regarding the feasibility of accepting the Soviet, the Polish or the Anglo-French resolutions on the subject.

67. Gen. Yahya Khan's fear of a political settlement in East Pakistan, specially with Sheikh Mujibur Rahman, seemed to continue to haunt him and befog his judgment to the end, in apparent total disregard of the realities of the situation.

68. From 4th to 10th December 1971 the discussions at the UN apparently proceeded on the basis that the Pakistan army was putting up a determined resistance, and that the Indian operations in East Pakistan might become a long drawn-out affair. The vote at the General Assembly meeting on 7th December 1971 was unprecedented and reflected this impression of the international community. The actual military situation at that juncture was, however, somewhat different and may be briefly reviewed here.

In East Pakistan, the opening of the western front brought in its wake an intensified effort by the Indian army and particularly the Indian air force.

Dacca airfield and other targets were attacked on the night of 3rd and 4th and on 5th December. The Indians achieved advances in practically all sectors except Comilla which held out like a 'fortress' but the Indians by-passed it north and south. The pressure on Jessore which was the first to be attacked on 20/21st November had continued unabated since 21st November and according to the Indians it had fallen in the end of November, whereas the eastern command continued to claim they were holding out in Jessore until 5th December. However, we are more interested in trying to assess the military situation from 7th onwards because the Governor of East Pakistan Dr A.M. Malik initiated the first of his three distress signals on that date. The absence of key evidence is, of course, a handicap but we have been able to establish the position to be somewhat as follows on 7th December.

Indian Navy had completely blockaded East Pakistan. In the western part of the province, Jessore and Benapol had fallen, and the enemy was advancing towards Faridpur and Khulna. An enemy divisional attack was aimed at Dinajpur and a deeper thrust between Rangpur and Bogra. This was making progress. This thrust had isolated the troops who were on the border in the Rangpur salient. Thus in this entire salient we were left with either a brigade strength fortress in Rangpur or those out posts which were still fighting along the border.

Another brigade fortress was being formed at Bogra which was now under threat by the afore-mentioned thrust from the Hilli-Pirganj direction. In the Mymenshahi sector the battle was also not going well and our

troops were falling back from the border towards Mymenshahi and Jamalpur. Further to the east in Sylhet, a regular and an ad hoc brigade, the latter mainly civil armed forces had been falling back under pressure from north, south, and east of Sylhet and by 7th had organised themselves for fortress defence around Sylhet itself. Just north of Comilla the vital railway line linking Comilla, with Sylhet, had been cut by an enemy force in the area of Akhura a couple of days earlier and the brigade in this area was being pushed back. By 7th December it had left its border position and fallen back to Titas Canal, but Comilla garrison was holding out well. South of Comilla, the enemy had made numerous inroads and it seemed that our brigade in the area would not be able to withstand the pressure. A divisional attack from Tripura direction aimed at Chandpur on the Meghna river was developing and the L of C Chittagong to Comilla was as good as obstructed.

69. At this stage the following message was sent by the governor, East Pakistan to the president: -

Flash signal No: A-6905 (of 07-1200) to HQ CMLA: -

"It is imperative that correct situation in East Pakistan is brought to your notice.

"I discussed with General Niazi who tells me that troops are fighting heroically but against heavy odds without adequate army and air support(.) rebels continue their attacks in rear and losses in equipment and men are very heavy and can not be replaced(.) the front in EASTERN and Western sectors had collapsed(.) loss of whole corridor East of Meghna river can not be avoided(.) Jessore has already fallen which will be a terrible blow to the morale of pro-Pakistan elements(.) civil administration ineffective as they can not do much without communication(.) food and other supplies running short and nothing can move from Chittagong or within the province(.) even DACCA city will be without food after 7 days(.) without fuel and oil there will be complete paralysis of life(.) law and order situation in areas vacated by army pathetic as thousands of pro-Pakistan elements being butchered by rebels(.) millions of non-Bengalis and loyal elements are awaiting death(.) no amount of lip sympathy or even material intervention will help(.) if any of our friends is expected to help that should have an impact within the next 48 hours(.) if no help is expected I beseech you to negotiate so that a civilised and peaceful transfer takes place and millions of lives are saved and untold misery avoided(.) is it worth sacrificing so much when the end seems inevitable(.) if help is coming we will fight on whatever consequences there may be".

70. It will be seen from our review of the military situation as given earlier that Governor Malik's message was perhaps a little on the alarming side but the factual position was not all that far removed from it either.

71. President Yahya replied vide his flash signal No: A-455 of 07-1925 hours.

"Your flash signal number A-6905, dated 7 Dec refers(.) all possible steps are in hand(.) full scale and bitter war is going on in the West Wing(.) the world powers are very seriously attempting to bring about a cease-fire(.) the subject is being referred to the General Assembly after persistent vetoes in the Security Council by the Russians(.) a very high-powered delegation is being rushed to New York. Please rest assured that I am fully alive to the terrible situation that you are facing(.) chief of staff is being directed by me to instruct General Niazi regarding the military strategy to be adopted(.) you on your part and your government should adopt stringent measures in the field of food rationing and curtailing supply of all essential items as on war footing to be able to last for a maximum period of time and preventing a collapse. God be with(.) we are all praying."

72. The point we would like to make, however, is that Governor Malik's message alone must have left no doubt in the mind of Gen. Yahya Khan that the morale of the Eastern Theatre was cracking up fast if it had not already collapsed. Therefore, the first interference to be drawn was, the immediate launching of the master plan if Gen. Yahya Khan was still convinced and determined to save East Pakistan by military action from the West,

if, as will be seen elsewhere in the report, he was still obsessed with military 'pre-conditions' for its launching, and was losing confidence in his ability to time it in relation to the rapidly deteriorating situation in the East, the least that was necessary was serious second thoughts on the hard line adopted at the United Nations.

73. However, it was on this day that Pakistan had received the unprecedented vote of the General Assembly in favour of Pakistan and it may, therefore, be conceded that our supreme commander's and president's morale was understandably high on that day. The deputy prime minister-designate had been dispatched to the UN; the world at large was supporting Pakistan, so 7th December may not have been the day when Gen. Yahya would consider any change in his attitude.

74. But the situation as it developed between 8th to 10th December, both in the East and in the West was entirely different. During 8th and 9th December, some further deterioration in the military situation took place. The division responsible for Jessore sector was falling back under enemy pressure towards Faridpur and Khulna. It is also learnt that the naval elements at Khulna and Mangla were ordered to move to Chittagong and Narainganj. In northern Bengal, pressure against Bogra fortress was building up whereas the enemy was closing to Tista River. In the north-east the enemy landed a heli-borne battalion near Sylhet. In Brahmanbaria sector, the bridge holding the approach to Bhairab fell back to area Ashuganj and Bhairab Brigade over Meghna River. The besieged troops at Laksham on the Tripura border in the meantime ... and joined the Comilla garrison, thereby lying open the approaches to Chandpur.

75. A signal from flag officer commanding East Pakistan (Pakistan Navy) addressed to C-in-C Pakistan Navy, initiated at 1825 hours (East Pakistan standard time) on 9th December is of special interest as it summarises the situation as seen at the HQ, eastern command. Extracts are reproduced below: -

"Our land defence regrettably has collapsed sooner than expected. In eastern sector the enemy troops have reached Chandpur. The anti-aircraft regiment was evacuated last night.

para 2. the shore wireless service, rail and waterway communication systems remain during the night under heavy and continuous air interdiction supported by full scale renewed rebel activity(.) This has brought logistic supply system almost to a stand still.

Attrition rate gunboats has been registered fairly high as aircraft have been picking 25 knots boats dispersed between Bhabok Barisal(.) Casualty rate 15 fairly high. List is being prepared. Sixty per cent of naval force has been rendered non-operational(.) Indians are using their helicopter drops capability to full extent and so far three drops have taken place in Sylhet, Hilli and Brahmanbaria areas.

para 5. eastern command is in process pulling back troops from various sectors to redeploy at Dacca as a last stronghold if ... so permits.

para 6. Our ill-equipped divisions without adequate artillery or armour, limited airforce with only one airfield and improvised naval force, all have withstood the Indians onslaught steadfastly but human endurance has its own grateful limitations which fade away with time(.) my personal optimistic assessed situation is that at present rate ammunition expenditure with limited supply available, which cannot be replenished, and fast converging of overwhelming Indians amphibious forces on to Dacca fully backed up by air cover and rebels our heroic stand may not last more than a week."

It would be noted that according to this signal enemy troops had reached Chandpur on the Megna River fairly close to Dacca by the evening of 9th December.

76. The same day (9th December,) the governor of East Pakistan sent a second important message to the president seeking his approval on certain proposals, which in the absence of this signal can only be inferred from the reply which was sent back by the president the same day. In his reply the president said:

"You have my permission to take decision on your proposals to me..... In view of our complete isolation from each other decision about East Pakistan I leave entirely to your good sense and judgment

..... I will approve of any decision you take.... Whatever efforts you make in your decisions to save senseless destruction of the kind of civilians that you have mentioned in particular the safety of our armed forces, you may go ahead and ensure safety of armed forces by all political means that you will have to adopt with our opponent."

77. We should pause here to analyse the implications of Gen. Yahya Khan's reply. As we see it the low morale has been accepted: permission has been granted to take any measures and any decisions the aim of which is to save lives and, it is to be noted, there is no mention of the fact that "honourable settlement is only possible provided you and East Command hold out at least one week while I launch my master plan". Even "political means" have been mentioned but the caveat "with our opponent" is both interesting and significant. It ties up with Gen. Yahya's consistent opposition to any political settlement with Sheikh Mujib, his personal blindspot, but does it not appear completely desperate and inconsistent in the context of the circumstances. Whichever aspect one may examine, a local 'political' arrangement with India does not make sense: their attitude and demands regarding freedom for East Pakistan were quite clear. At the United Nations, Russia had twice vetoed any resolution which ignored a political settlement with the elected representatives of East Pakistan. It would be understandable therefore if the governor interpreted the message to mean that he had received the go-ahead, to do anything that his "good sense and judgment" dictated in order to achieve the aim of stopping the war.

78. We should not address ourselves to the emerging situation on 10th December, as it was on this date that an unexpected message was received in New York with which Maj-Gen Rao Farman Ali's name has come to be associated. The message was received in New York at 0500am. By the afternoon it was the talk of the UN and was already in the hands of the president of the Security Council and the secretary-general. It came as a shock to our principal delegate Mr Z.A.Bhutto on his arrival in New York that evening.

79. Maj-Gen Farman Ali's message offered certain terms for a peaceful transfer of power to the elected representatives of East Pakistan and sought a guarantee for the safety of West Pakistan personnel. The connection between Gen. Yahya Khan's phraseology and this message would be apparent. This was interpreted at the UN as an offer of Surrender and thus weakened Pakistan's case which as stated earlier, was progressing on the basis that Pakistan Army was putting up a determined resistance in East Pakistan.

80. Gen. Yahya Khan countermanded this message by announcing that he had only authorised negotiations for a cease-fire and not a political settlement: but the damage had been done.

81. In East Pakistan the major development of 10th December was a battalion helidrop rather close to Dacca near Narsingdi about 25 miles away which overpowered our EPCAF company in that area. On the same day General Manekshaw issued his first proclamation calling for a surrender.

82. In West Pakistan, two important formations of Pakistan's main striking force, i.e. 33 Division and 7 Armoured Brigade group, were ordered to be detached from 2 Corps and split up for reinforcing the most threatened sectors, mainly Shakargarh and Rajasthan. 2 Corps, which was to deliver the main punch in Pakistan's counter-offensive from West Pakistan, was thus reduced in its strength. The chances of success of the counter-offensive were, therefore, becoming doubtful.

83. On the 11th December another significant development happened. A para brigade was landed in area South of Tangail about 40 miles northwest of Dacca. About the same time one of our brigades (93 Ad Hoc) which was withdrawing from Mymensingh for reinforcing Dacca ran into the Indian para Brigade. It is learnt that later on 12th and 13th December, about 900 personnel of this brigade reached Dacca.

84. Also on 11th December Mr Z.A.Bhutto, who had by then apparently had the time to study the entire situation, sent a telegram No.513 to the president saying that "if the ground situation can be held and possibly improved upon for a week, I believe that the situation can return to our advantage. In any event we urge that we wait for 72 hours before any move is made in the United Nations". This means that according to

Mr Bhutto it was imperative that we hold out in East Pakistan as a minimum until 14th December. In reply to this message Gen. Yahya Khan said that holding out military for at least one week would be fatal to us and as far as "the big push" was concerned in the West this was to be left to the military commander. Mr Bhutto also asked Gen. Yahya Khan in a telegram of 12th December to make an urgent trip to China as a last resort to get China to intervene and save Pakistan. Meanwhile at 1950 hours on 13th December, the eastern command initiated a message again depicting a very serious situation and requesting that any outside assistance "must take practical shape by 14th December".

85. The enemy continued to build up his heli-borne forces in area Narsingdi on 12th and 13th December.

86. At 0036 hours on the 14th, the chief of staff [of] army sent a message in reply to the afore-mentioned signal from eastern command stating "UN Security Council in Session. Most likely will order cease-fire. Matter of hours. Hold out till UN Resolution passed". But later the very same day Gen. Yahya Khan sent his signal No. G0013 at 1332 hours informing the governor of East Pakistan and commander eastern command "you have now reached a stage where further resistance is no longer humanly possible....." He further stated that all measures should be taken to stop fighting and preserve lives of armed forces, and other people likely to be targets of miscreants such as people from West Pakistan and loyal elements. The UN had been moved to urge India to stop hostilities and guarantee safety of personnel mentioned earlier. In short he authorized the negotiations for a "cease-fire". It seems that till this stage the president was still fondly believed that he was only agreeing to a cease-fire and not a surrender (his statement before the commission refers).

87. The eastern command was, on this day, reporting the advance of enemy forces towards Dacca from a number of directions, including Tangail, Narsingdi and Chandpur. The Indian airforce intensified its raids. Jaydebpur ammunition depot was hit by an air strike by the enemy.

88. The aim of this somewhat lengthy review of the military situation and the exchange of messages has been to highlight that at such critical moments of history the situation changes from day to day and hour to hour; that military strategy has to be correlated with political decisions and diplomatic activity, and that what is going on at the United Nations at these very moments is of the utmost importance. In order to find an answer to the two questions to which we are addressing ourselves we have to establish whether General Yahya's handling of the most momentous events of our history showed such correlation keeping in view the realities.

89. Let us now turn to the happenings at the United Nations. On 11th December Mr Bhutto had another series of consultation with high level US officials as well as the vice foreign minister of China to reconcile the differences in their position and to work out the tactics for referring the matter back to the Security Council as quickly as possible as it seemed that the collapse of our military position in East Pakistan was imminent. It was agreed that the Security Council meeting should be convened the same day and a draft resolution identical to the General Assembly resolution, calling for both ceasefire and withdrawal, should be tabled. It would be noted that we were still not considering any political settlement. The Security Council was consequently reconvened in the afternoon on Sunday the 12th December following an urgent request by the United States representative.

90. According to Ambassador Agha Shahi: - "The proceedings of the Security Council on 12th December made it clear that the hope entertained by the former President of Pakistan for a simple ceasefire without a political settlement for transfer of power was unrealistic in view of the Indians being poised for victory in the battle for Dacca and the Soviet determination to oppose any settlement which would deny the Indians fruits of impending victory."

91. One instance of lack of correlation must have already been noted in that in the Security Council meeting of 12/13 December there could not have been any special hope of success after the two vetoes which the Soviet Union had already imposed and yet the chief of staff in his above-mentioned signal informed the eastern command that a ceasefire would "most likely" be ordered in a "matter of hours".

formulate a new resolution on the basis of cessation of hostilities, disengagement, ensuring justice i.e. a political settlement, which they felt would be acceptable to all members, including India and the Soviet Union. There was however no change in the instructions to our UN delegation and representative and as far as they were concerned they were to oppose any reference to a political settlement.

97. Meanwhile, the Italian representative sprang a surprise by presenting a new text (S/10451) which also called for an immediate cessation of hostilities, a withdrawal as well as immediate steps for a political solution. We requested the Italians not to table this resolution stating that we needed instructions from home, but when the Italians presented it, we expressed our displeasure.

98. The next major opportunity arose on the 15th December 1971, at 7pm (0400 15th December in Pakistan) when a number of resolutions were introduced by Syria (S/10456) UK and France (S/10455), Soviet Union (S/10457) and Poland (S/10453) Rev. a. All these resolutions, even Syria's laid emphasis on a political settlement. The Soviet draft was silent on withdrawal. In the Syrian and Anglo-French texts it was to follow a ceasefire. The British advised our UN representatives that in view of our impending surrender in East Pakistan they were no longer in a position to press for withdrawals in the Anglo-French text and we had to now try for a simple ceasefire together with a call for adherence to the Geneva Conventions.

Apart from the fact that we were still not prepared to talk to political solution, the 'impending surrender' was spoiling our case.

99. The other portion of the question therefore now remains to be answered that is to say whether the eastern command and Dacca garrison could have held out a little longer instead of surrendering as it did on 16th December. First we may address ourselves to what we mean by a 'little longer'. We have already had a look at the military picture which was by no means encouraging but it would be noted that the permission conveyed by Garrison offering any kind of resistance did not even arise. It was pre-empted by the occasion for Dacca COS Army at 2350 hours on 15th December by signal of 0015 that eastern command may accept Indian terms for a ceasefire which amounted to a surrender. At that particular time the picture was admittedly grim but the nearest Indian troops amounted to only two brigades.

One was the brigade which had landed by helicopter at Narsingdi 25 miles away on 10th December, and the other which had parachute landed on 11th December at Tangail 35-40 miles away. It has to be remembered that paraborne and heliborne troops are weak except in small arms fire-power. Their artillery is only light pieces. They have no tanks. Their vehicles are only jeeps and at most the small (15 Cwt) trucks, thus they were presumably depending on their local friends for transport. It is also interesting that there is no evidence that after their landing they immediately started moving towards Dacca. It would seem that the Indian commander had assessed that our moral had collapsed and so felt in no hurry to advance on Dacca incurring casualties if the same result could be achieved by psychological warfare and other pressures.

100. It would be appreciated that if these two brigades had advanced on Dacca it would not be a question of getting into trucks and motoring in. Normally they would expect the most determined resistance and last ditch battles. Therefore they would proceed with extreme caution, which of course would mean more time for Dacca and the fate of East Pakistan. In fact they would be inclined to time their advance in coordination with other advancing columns. None of the India columns, such as the one from Jessore, Khulna or from Bogra or from the East were, as far as we know, on the Dacca side of the huge rivers which intervene, and even unopposed crossings would take time.

101. Then let us try to imagine the final contact of Indian troops with Dacca. We knew that there was a proper defence scheme. There was an 'Outer Ring' and an 'Inner Ring'. Nine hundred men, representing two weak battalions, had arrived in Dacca after an encounter with the enemy para brigade. Agreed, the remaining garrison was a collection of miscellaneous administrative units together with about 1000 odd airmen and some naval personnel. But they were soldiers all and mentally attend to their role as fighting men in such

eventualities. The total muster of our garrison in Dacca has been difficult to establish with any accuracy for obvious reasons, but our assessment is as follows: -

102. The number of regular army personnel at Dacca, at this time is estimated at 5,000 personnel, who mostly belonged to local formation headquarters, signals, service units and rear parties. Pakistan Navy and Air Force had about 700, all ranks between them. The number of locally-enrolled East Pakistan Civil armed forces, Mujahids and Razakars is estimated at 13,000 and West Pakistan Police and industrial and VP security forces at 4,000. In addition, according to situation reports of eastern command, approximately 900 personnel of 93 (ad hoc) Brigade, which consisted of regular units and civil armed forces, had arrived at Dacca from Mominshahi on 12th and 13th December. The total of all categories of personnel thus amounts to about 24,000 personnel. It is difficult to establish how these personnel were, if at all, organised into groups and ad hoc units for the local defence of Dacca.

103. These personnel must be carrying their personal weapons, perhaps with no deficiency of small arms, ammunition, since Dacca was a logistic base. The situation about heavy weapons is however not clear. The major heavy weapons available was 37mm (single barrel) anti-aircraft gun of the local AA Regiment which had previously played a significant role in the defence of Dacca against the Indian airforce. There were initially 36 guns out of which some may have been destroyed or rendered unserviceable. Being a flat trajectory high velocity weapon (maximum range 4,000 yards), it can be used in a direct fire role against enemy vehicles and tanks. The other component of LAA Regiment was twelve 14.5mm guns which can be used as heavy machine guns in the ground support role (maximum range 2,000 yards). Presumably, there was no shortage of ammunition for the two types of weapons.

104. There could be at this time a few tanks and mortars in reserve in Dacca Ordnance Depot, which could have been used, provided these were in serviceable condition. It has not been established if these were actually available and were pressed into service.

105. Thus, having heard tell of 'Stalingard', incidentally an expression often quoted in military circles, we visualize that the approach of the two Indian brigades towards Dacca would have been met with a miscellany of fire from our Outer Ring of Defences and the Indians would have been temporarily halted. Cities are difficult objectives to take though we have to remember the awkward plight of our garrison who would be attacked from the rear as well. We visualize nevertheless that the two Indian (brigade) columns would not renew their attempt to enter Dacca's outer ring till the next day which means a 24-hour delay. If they penetrated the outer ring and contacted the inner ring a similar delay would occur meaning another 24 hours, total 48 hours, and with a bit of determination this could be doubled or even tripled.

106. To sum up our survey therefore we find a picture of more than one resolution on the anvil in New York, which would have given us the face-saving alluded to earlier, while our 'gallant' Dacca garrison would at least be giving the impression, in the words of Lt-Gen Niazi, "come and get it but over our dead bodies".

107. We feel sure therefore that a delay of 48 if not 72 hours could have been imposed by our troops giving us a chance of avoiding the ignominious surrender, through a UN Resolution such as the Anglo-French formula which had every chance of going through, USSR had already exercised its veto three times and it was not likely to object provided it was agreed that there would be a political solution. In any case the Soviets themselves had another resolution even which would have been better than what actually happened.

108. Alas! This was not to be, and must now remain one of the big Ifs of history.

13

CONCLUSIONS

1. Having surveyed the course of our relations with the Great Powers and the other important countries of the world, we feel we are now in a position to attempt an answer to the two questions which have been upper most in the minds of most of our countrymen in connection with the conduct of our foreign policy: -

- (a) Was there an international conspiracy to dismember Pakistan, and was Gen. Yahya Khan's regime a party to such a conspiracy; and
- (b) Whether, in the event of the answer to the first question being in the negative, the state of our relationships and alliances with the world powers justified the confidence with which Gen. Yahya Khan plunged the country into a war of destruction in both East and West Pakistan?

2. Some political leaders, notably Khan Abdul Wali Khan of the National Awami Party and Sardar Shaukat Hayat Khan of the Council Muslim League, as well as journalists, like Mr Altaf Hassan Qureshi of the Urdu Digest, have expressed the view before us that the fall of Field Marshal Mohammad Ayub Khan, the transfer of power to Gen. Yahya Khan and the eventual dismemberment of Pakistan owing to the policies pursued by Gen. Yahya Khan, are all a part of an international conspiracy directed by a certain superpower. While such a view may fit in with a subjective, or even a journalistic analysis of the events we are investigating, we are not at all persuaded that as a judicial tribunal we can arrive at any such finding.

3. The facts and circumstances, as they have emerged from the voluminous evidence examined by us, are that the basic element in our situation, right from 1947, has been the hostility of Hindu leaders to the very concept of Pakistan. The Indian leaders agreed to Pakistan only when it became clear to them that partition was inevitable as a price for the transfer of power from British to Indian hands. The issues, which have divided India and Pakistan, were certainly capable of resolution in a just and equitable manner, provided the Indian leaders had shown the necessary generosity, breadth of vision and above all, acceptance of Pakistan as an independent state. Having failed to prevent the creation of Pakistan, the Indian leaders set about weakening Pakistan in every conceivable manner, so as to realise their dream of unchallenged Indian supremacy in Asia. In 1965 India planned to inflict a decisive defeat on Pakistan and thus settle once for all the question of Indian supremacy and reduce Pakistan to the position of a satellite.

Indians had always viewed the separation of the two wings of Pakistan as a cherished goal which was attainable under propitious circumstances. A golden opportunity was provided to India by our own internal dissension and the violent demand for regional autonomy, and later independence, put forward by the Awami League.

4. In this background Pakistan endeavoured to enter into various international arrangements for safeguarding its national integrity and sovereignty. We have seen how our search for a guarantee of our national security first took us to the United Nations, then threw us into the lap of the United States of America, making us join various defence pacts. Our need happened to coincide with the global policy of the United States regarding containment of communist China. The shift in American policy in 1962, and the United States' decision to arm India in spite of Pakistan's protests, was the direct result of these global requirements, and could not be attributed to any lack of cooperation or correct behaviour on our part.

5. Our desire to normalize relations with our great neighbours - China and Russia - met with ready response, owing once again to the fact that our requirements were found to be in harmony with the world policies of these powers. However, this state of affairs could not continue indefinitely in view of the differences which were developing between China and Russia, and the possibility of a détente between China and the United States. Our continued friendship with China came to be looked upon with suspicion by the Soviet Union which started leaning heavily towards India so as to counter-balance China in the Asian continent. Soviet assistance to India, culminating in the Indo-Soviet Treaty of 9th August, 1971, would therefore, appear to be essentially a part of the global arrangements envisaged by Russia for the security of Asia, and not a step directed towards the undoing of Pakistan.

6. Being aware of the hostile designs of India, and taking note of her alignment with a superpower, it was obviously for the Pakistan government to avoid creating or precipitating a situation which would enable India to proceed to embark upon a war of attrition against Pakistan by employing military equipment supplied by the Soviet Union. Once India and Pakistan got involved in a bloody conflict owing to their own inherent animosities, and circumstances created by events in East Pakistan, it is difficult to see how USSR's assistance to India, in terms of the Indo-Soviet Treaty, could be described as a conspiracy.

7. It can, of course, be argued that as an ally of India and a superpower, USSR could have used its undeniable influence to dissuade India from interfering in the internal affairs of Pakistan and embarking upon open aggression against a smaller neighbour. Soviet Union's failure or unwillingness to do so appears to us to be attributable to her conviction that the military regime in Pakistan was not amenable to advice in the matter of settling the East Pakistan crisis. We have already seen that even friendly countries like China, the United States, Iran, Turkey and the United Kingdom were all advising President Yahya Khan to arrive at a political settlement with the duly elected representatives of the people of East Pakistan. Instead of doing that, the president persisted in pursuing a course of political action which had no hope of acceptance by the people of that province. Such being the case, the unrest continued to increase in East Pakistan, the refugee problem caused by this unrest continued to magnify, and the events inexorably led to disaster. It is not possible to condone President Yahya Khan's political blunders in East Pakistan, and his failure to appreciate the realities of the international situation, by saying that there was an international conspiracy to undo Pakistan.

8. As regards the second question, it will be seen that as the situation between India and Pakistan was fast deteriorating and India had entered into a defence pact with the USSR, President Yahya failed to obtain a firm commitment from either China or the US to come to Pakistan's military assistance in the event of aggression by India.

Para 9 to 11 not declassified

12. Insofar as the role of the United Nations is concerned, our conclusion is that although this august body failed to prevent the dismemberment of Pakistan owing to the repeated use of the Soviet veto, yet a different result would have ensued if the dispute had been taken to the Security Council immediately after the Indian invasion of East Pakistan on 21st November, 1971, instead of allowing the situation to deteriorate with the

commencement of all-out hostilities on the western front. The reasons, which prevented President Yahya Khan from going to the Security Council at this stage, namely, the fear of international insistence on political solution in East Pakistan and his misplaced confidence of achieving short-term gains in West Pakistan, are both found to be untenable in the context of the realities of the situation.

13. Another important aspect of this matter is that if the army generals in East Pakistan had not started transmitting messages of defeat and despair as early as 10th December, 1971, and if Gen. Yahya Khan as president of the country and commander-in-chief of the Pakistan army had shown a greater determination and courage and directed the eastern command to hold out somewhat longer than 16th December, 1971, the friends of Pakistan would thereby have been enabled to obtain a satisfactory resolution from the Security Council ordering a ceasefire in East Pakistan as well.

14. From the detailed analysis of the events in East Pakistan between 10th the 15th December, 1971, it does appear that the military situation was indeed critical, but we have seen that the battle had not yet been joined with the Indians for the defence of Dacca. With proper guidance from GHQ and a wise and courageous lead by the eastern command, it would have been possible to hold out for another two to three days, thus enabling the adoption of one of the resolutions acceptable to India and the Russians. An examination of the text of these last minute resolutions leaves no doubt that a ceasefire in accordance with their terms would have offered us an escape from the surrender and its inevitable consequences.

PART-IV MILITARY ASPECT

14

INTRODUCTION

1. The military aspect of the Indo-Pakistan war is naturally the most important, and perhaps the most complicated part of our inquiry. However, our task was enormously facilitated by the fullest cooperation received by us from the three services headquarters and from a large number of service commanders and officers of various ranks who were concerned, in one capacity or the other, with the planning and execution of the war. We have also had the benefit of the testimony of a number of retired senior officers of the armed forces, besides hearing the views of a large number of persons belonging to the ranks of the three services.

2. The inevitable result has, of course, been the accumulation of a large mass of evidence, both documentary and oral, which needed technical and professional knowledge for its proper sifting and appreciation. The military adviser to the commission, Lt-Gen (retd) Altaf Qadir, and the three services representatives attached to the commission, have had to work very hard indeed to examine and analyse this evidence in its true military perspective. We were also fortunate to have the advice of vice-admiral (retd) H.M.S Chaudhary and Air Marshal (retd) Nur Khan in matters concerning the navy and the airforce.

The technical reports prepared by the military adviser and the services representatives constitute valuable studies and are being involved in volume II of the Report as staff studies. We have drawn freely on these studies, as well as on the post-war analyses carried out by the three services headquarters, for formulating our own views, as embodied in this part of the Report.

3. We consider that for a proper understanding of the military aspect of the debacle the following matters need to be examined: -

- (i) The military concept of national defence in the light of the directives issued by the government and the supreme commander from time to time;
- (ii) The formulation of defence plans for implementing these directives and concepts;
- (iii) The evaluation of the Indian threat in the light of events as they were developing since the army action of 25th March 1971 in East Pakistan;
- (iv) The state of preparedness of the armed forces for meeting this threat;
- (v) The events in East Pakistan preceding the open Indian invasion of 21st November 1971, and their effect on the military situation;
- (vi) A narrative of events in East Pakistan from 21st November to 3rd December, 1971;
- (vii) All-out war from 3rd to 17th December 1971;
 - (a) war in East Pakistan;

14

INTRODUCTION

1. The military aspect of the Indo-Pakistan war is naturally the most important, and perhaps the most complicated part of our inquiry. However, our task was enormously facilitated by the fullest cooperation received by us from the three services headquarters and from a large number of service commanders and officers of various ranks who were concerned, in one capacity or the other, with the planning and execution of the war. We have also had the benefit of the testimony of a number of retired senior officers of the armed forces, besides hearing the views of a large number of persons belonging to the ranks of the three services.

2. The inevitable result has, of course, been the accumulation of a large mass of evidence, both documentary and oral, which needed technical and professional knowledge for its proper sifting and appreciation. The military adviser to the commission, Lt-Gen (retd) Altaf Qadir, and the three services representatives attached to the commission, have had to work very hard indeed to examine and analyse this evidence in its true military perspective. We were also fortunate to have the advice of vice-admiral (retd) H.M.S Chaudhary and Air Marshal (retd) Nur Khan in matters concerning the navy and the airforce.

The technical reports prepared by the military adviser and the services representatives constitute valuable studies and are being involved in volume II of the Report as staff studies. We have drawn freely on these studies, as well as on the post-war analyses carried out by the three services headquarters, for formulating our own views, as embodied in this part of the Report.

3. We consider that for a proper understanding of the military aspect of the debacle the following matters need to be examined: -

- (i) The military concept of national defence in the light of the directives issued by the government and the supreme commander from time to time;
- (ii) The formulation of defence plans for implementing these directives and concepts;
- (iii) The evaluation of the Indian threat in the light of events as they were developing since the army action of 25th March 1971 in East Pakistan;
- (iv) The state of preparedness of the armed forces for meeting this threat;
- (v) The events in East Pakistan preceding the open Indian invasion of 21st November 1971, and their effect on the military situation;
- (vi) A narrative of events in East Pakistan from 21st November to 3rd December, 1971;
- (vii) All-out war from 3rd to 17th December 1971;
 - (a) war in East Pakistan;

- (b) army operations in West Pakistan;
- (c) the air battle in West Pakistan;
- (d) the war at sea; and
- (e) defence against enemy air attack;
- (viii) A critical analysis of the circumstances surrounding the surrender of the Pakistan army in East Pakistan;
- (ix) The ceasefire in West Pakistan;
- (x) Higher direction of war.

4. We shall, of course, wind up this discussion with recording our conclusions, findings and recommendations.

5. Although the matter has already been mentioned in Chapter 1 of the Report, yet it ought to be reiterated here that, in spite of our efforts it has not been possible for us to obtain the evidence of Lt-Gen A.A.K Niazi and other senior officers of the Eastern Command. We have accordingly tried to reconstruct the East Pakistan story with the help of the material made available to us by the services headquarters, as well as the evidence of a number of officers who managed to come away from East Pakistan immediately before the surrender. It is however, clear that at this stage our observations and conclusions regarding the surrender in East Pakistan and other allied matters should be regarded as provisional and subject to modification in the light of the evidence of the Commander, Eastern Command, and his senior officers, as and when such evidence becomes available.

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THE MILITARY CONCEPT OF NATIONAL DEFENCE

The basic document spelling out the strategic concept of the defence of Pakistan in War Directive No 4 issued by Field Marshal Mohammad Ayub Khan on 9th August 1967, in his capacity as the Supreme Commander of the Pakistan Armed Forces.

2. Paragraph 2 of this Directive describes the National Aim as “to preserve national security, integrity and the sovereignty of Pakistan, while promoting prosperity and well being of its people so as to enable the country to find an honourable place in the comity of nations. Within the context of this main aim and without prejudice to it, continue efforts to secure the right of self-determination for the people of Kashmir”.

3. Paragraph “e” of this document states that the major threat to the security of Pakistan is from India and that “Pakistan faces a total, unrestricted and unqualified type of armed aggression from India which may result either through escalation of a border incident or be a deliberate pre-planned attack”.

4. Paragraph 4 outlines the Indian capability by saying, “India is capable of undertaking offensive operations simultaneously against West and East Pakistan. Within the framework of such aggression, she has a limited capability for amphibious operations”.

5. After stating the position of Afghanistan and China, the Directive lays down in its 7th paragraph that the Mission of the Armed Forces would be: -

“On commencement of hostilities or as soon as favourable conditions are created or offered; offensive operations will be undertaken to capture and hold as much enemy territory as possible whilst containing and neutralizing the enemy forces elsewhere by all means at our disposal in the West. In the East contain and neutralize as many enemy troops as possible, inflicting maximum casualties without running the risk of annihilation”.

6. The Directive then proceeds to mention certain Basic Assumptions, in its 8th paragraph, which must be kept in view for defence planning:

- (a) Our greatest, continuing and immediate military threat is from India. The size and posture of Afghan armed forces and the Afghan territorial claim, however, imply a positive threat. Every effort should be made to neutralize this threat through diplomatic and other actions. Planning for defence in West Pakistan must, therefore, cater for operations on two fronts, with major emphasis on front against India.
- (b) We should expect to get some warning of an impending aggression by India - probably seven days. The war may start with an attack on West Pakistan, as per the last time, or holding off West, East Pakistan may be attacked first. In either case total war would have commenced for us.

- (c) No direct substantial military help can be expected from outside during a war but some countries may assist as per the last time.
- (d) The war with India will be intense and fought with great severity. We hope it will be a short war. Our ammunition reserves being limited, we must bring it to a successful conclusion in the shortest possible time.
- (e) Normal communications between East and West Pakistan will be disrupted during war.
- (f) Even if the hostilities commence in East Pakistan, strategic factors dictate that major and decisive battles will be fought from West Pakistan.

7. The Directive further lays down, by its 9th paragraph, that "planning must cover such contingent operation as the bombing of non-military targets in enemy territory, and attack on hostile merchant shipping, services headquarters will obtain government clearance before launching any such operations involving the danger of reprisals and political repercussions".

8. The Directive then goes on to assign and describe the role of each of the three armed forces. It is not necessary, for our present purpose, to go into the details of this part of the Directive, except to say that it envisages a war lasting for at least three months without essential supplies from outside the country, and therefore, enjoins in the 18th paragraph that: "in view of the uncertainty of continuous supply of materials from abroad, logistic planning must include the stockpiling of vital war like materials on the basis of three months requirements".

9. It will be seen that the main strategic concept underlying this Directive is that the defence of East Pakistan lies in West Pakistan, and that major and decisive battles would be fought from West Pakistan even if the hostilities commenced in East Pakistan.

The Directive does not give any indication as to the time factor involved in reacting from West Pakistan to Indian aggression in East Pakistan. This aspect therefore remains a matter for planning and decision by the three services acting under the direction and control of the supreme commander.

However, the Directive leaves no doubt that whether the war starts with an attack on West or on East Pakistan, in either case total war would have commenced for Pakistan. The Directive thus envisages the defence of Pakistan as a comprehensive and integrated operation irrespective of the territorial or geographical origin and commencement of Indian aggression.

10. On 27th July 1971, the chief of the joint secretariat invited proposals from the three services headquarters regarding the revision of the War Directive No 4 for the reason that since the Directive was issued in 1967, many changes had taken place in the geo-political and military environment of Pakistan which called for a review of the Directive. The service headquarters were further informed that the review was being taken in hand in accordance with the decision of the 12th pre-joint chiefs committee meeting held on 13th July 1971.

11. We find that on 18th August 1971 the general headquarters proposed a revision of paragraphs 6 and 7 of the Directive. Paragraph 6 deals with the role of China, and the GHQ felt that the present friendly attitude of China should be reflected in the Directive. Paragraph 7 of the Directive lays down, as already stated, the Mission of the armed forces. The GHQ felt that in view of the increased capability of the Pakistan Army in East Pakistan, on account of the increase in the number of troops and the internal security operations having been brought to a successful conclusion, the Mission assigned to the Pakistan Army should include offensive operations in East Pakistan as well.

12. Finally, the GHQ also suggested that "implication of the recently concluded Indo-Soviet Treaty of Mutual Security may be examined in consultation with the Foreign Office, and included in this Directive, if considered necessary".

13. The air headquarters intimated that in the opinion of the commander-in-chief, PAF, no change was necessary in the text of the Directive from the Air Force point of view, but the Naval headquarters recommended a review of paragraph 9 and 13 of the Directive. We have already stated that paragraph 9 of the Directive deals with the preparation of contingent plans regarding the bombing of non-military targets in enemy territories and attacks on hostile merchant shipping. The Naval headquarters stated, in their letter of 26th August 1971, that "the most effective element of PN today is the submarine squadron. Basically the submarines are weapon of offence. They can be put to their maximum use by offensive deployment without loss of any time. The time factor is particularly important as Pak Navy does not have maritime reconnaissance, and enough warning of an attack may not be available".

The Navy, therefore, recommended that paragraph 9 of the Directive prescribing previous government clearance before launching such operations should be amended and the sinking of Indian merchant ships, so vitally important to PN war plans, should not be hampered for want of government approval, and the government should give clearance to the commander-in-chief of the Pakistan Navy to use his discretion in respect of attacks on hostile merchant ships.

14. As regards paragraph 13 of the Directive, the Naval headquarters suggested that in view of the growing disparity between the obsolescent equipment of the Pakistan Navy and the modern vessels and weapons of the Indian Navy it should be clearly envisaged in paragraph 13 that keeping in view the strategic location of Indian maritime and airforces, the Pakistan Navy will not be able to undertake the task of escorting any supplies between the two wings and therefore, dependence should not be placed on inter-wing transfer of stores by sea, even for critical items.

15. However, the pre-joint chiefs committee never got down to the task of examining the question, with the result that War Directive No 4 continued to remain in force, un-amended, until the outbreak of war in November 1971. The question is whether there was any real and substantial need to review this Directive and the basic assumptions on which it rested. And if so, whether the failure to do so had any effect on the conduct of the war both in East and West Pakistan.

16. From the amendments proposed by the GHQ in their letter of 18th August 1971, referred to above, it would appear that the army did not feel the need for any substantial revision of the Directive or the basic assumptions underlying the same. The change proposed by the GHQ in the Mission, as stipulated in paragraph 7 of the Directive, was merely the expression of a misconceived optimism regarding the military situation obtaining in East Pakistan. As regards the effect of the Indo-Soviet Treaty, it was indeed surprising that the ten chief of the General Staff (Lt-Gen Gul Hassan Khan) preferred to leave the matter to the Foreign Office, instead of carrying out a military appreciation of the altered balance of power as a result of this alliance between India and the USSR. It should have been apparent to the GHQ that the Indo-Soviet Treaty was of crucial importance in the context of the mounting tension between appraisal of four strategies:

17. Since the War Directive was issued in 1967, and particularly since the commencement of the political crisis and the military action in East Pakistan in March 1971, certain significant changes had taken place, calling for a major reappraisal of our strategy:

- (a) As mentioned by GHQ itself in its letter to the joint chief's secretariat, India had entered into a military alliance with the Soviet Union, thus ensuring substantial supplies of sophisticated weapons in all fields, and decisively tilting the military balance against Pakistan.
- (b) The prolonged military action in East Pakistan had completely alienated the local population, with the result that the Pakistan Army was faced not only with the danger of external aggression, but also with the constant threat of internal subversion and sabotage from the civilian population as well as East Pakistani personnel in the defence forces themselves.

- (c) India had openly started training nearly forty to fifty thousand guerillas for infiltration into East Pakistan..
- (d) By the months of October and November 1971, India had concentrated on the borders of East Pakistan a force equivalent to nearly twelve divisions (seven infantry and mountain divisions, three to four tank regiments with 35 Border Security Forces battalions, and the entire strength of the Indian navy and airforce allocated to the Eastern Theatre).
- (e) The declared objective of India at this juncture was the establishment of Bangladesh by overrunning and capturing apart, if not the whole of East Pakistan, and
- (f) The Pakistan Army was stretched in penny-packets all along the East Pakistan border with India.

18. In the presence of these facts and circumstances, the concept that "the defence of East Pakistan lies in West Pakistan" needed a serious fresh look by those responsible for the formulation of our defence policies. In view of the growing disparity between the war preparedness and capability of the armed forces of the two countries it was necessary to consider whether Pakistan still continued, in 1971, to be in a position to take a timely offensive from West Pakistan which would have a decisive effect on the situation in East Pakistan. By failing to carry out a study in depth to determine the military effect of these factors the army high command seriously jeopardised the chances of its success in the event of a conflict breaking out, as expected.

19. In the new military and political environment it was clear that the first important task was to hold out in East Pakistan as long as possible so as to enable the international community to intervene effectively and meaningfully. However, adequate measures were not taken in this behalf owing to the mistaken concept that there would be instant and decisive retaliation from the West. As things turned out, no such retaliation was launched. Considering all the aspects of the matter, the commission is of the view that the strategic concept embodied in War Directive No 4 of 1967 required a drastic revision to the effect that adequate defence forces would be located in East Pakistan ensuring a prolonged ground, air and sea defence with a view to enabling international intervention as well as retaliation from the West. If such a modification in the defence concept had been adopted in time, the quantum and build-up of forces in East Pakistan would have been different. Not only the army strength would have had to be increased, but the airforce would have been provided with at least one more airfield and an extra squadron to hold out much longer than the proverbial twenty-four hours given to the lone squadron stationed at Dacca. Even the twin airfield of Kurmitola was not fully equipped with concrete pens and other facilities in the belief that East Pakistan could not be held at all.

We would have occasion to revert to these matters in one of the subsequent chapters.

20. The point was sought to be made by Gen. Yahya Khan as well as by his senior army commanders like Gen. Abdul Hamid Khan and Gen. Gul Hassan Khan that allocation of more forces to East Pakistan could not have produced any different result, as East Pakistan could not be held in any case, but in the bargain West Pakistan would also have been weakened by the diversion of resources to East Pakistan. The argument is certainly ingenious but untenable. If indeed it was the conviction of Gen. Yahya Khan and his senior army commanders that it was militarily impossible to hold East Pakistan, then we fail to see why the military regime resorted to army action in East Pakistan, and why it spurned all suggestions for a political settlement. Secondly, there is to our mind a distinction between a sound strategy and the availability of resources to implement the same. The inadequacy of resources has haunted Pakistan right from 1947, but it cannot be used as an argument for the adoption of an unsound concept. We consider, therefore, that in the altered circumstances, as outlined above, a revised strategy should have been adopted and the question of the allocation of forces consciously examined on the basis of that revised concept. This was, however, not done.

21. Finally, the amendments suggested by the navy, more particularly, in paragraph 9 of the Directive regarding prior government clearance for attacks on hostile merchant shipping, should also have been

incorporated in the Directive. Evidence was given before us by the then commander-in-chief of the Pakistan Navy that valuable time was lost in trying to obtain government approval for launching submarine attacks on Indian merchant shipping, and that in fact such clearance was not given as coordinated action was not taken by the ministries of defence and foreign affairs. If the relevant paragraph of the Directive had been amended as suggested by the naval headquarters, we have reasons to believe that the submarines of the Pakistan Navy were in a position, on the opening of hostilities in West Pakistan, to carry out effective strikes against Indian merchant ships. However, such an opportunity was denied to them.

16

THE FORMULATION OF DEFENCE PLANS

The plans formulated by the three services, in accordance with the 1967 Directive, need to be examined separately for East and West Pakistan. In the present chapter we propose to devote our attention almost exclusively to the plans of the Pakistan Army, for the major role in the recent disaster has been that of the ground forces. The plans of the navy and the airforce will more appropriately find mention when we discuss the naval and the air battles in both the theatres of war.

2. Taking first the plans of the eastern command, we find that in a directive issued by the commander-in-chief of the Party Army on 11th November, 1969, the mission assigned to the eastern command, then constituted as 3-Corps, was to defend East Pakistan. It was stipulated that:

- (a) No reliance was to be placed on any outside help or additional assistance.
- (b) No major offensive operations to carry war into enemy territory, except limited raids and small tactical actions, were visualised.
- (c) Territory was to be denied by mobile type of defence by holding strong points and by delaying actions if forces were to withdraw.
- (d) Under all circumstances the Corps was to be retained as a force in being. This was considered important both from military and political points of view so that the entity of East Pakistan and its government was maintained under all circumstances.
- (e) Headquarters Eastern Command were made responsible for liaison and coordination with the Provincial government as well as with the elements of Pakistan Navy and Airforce stationed in East Pakistan.

3. The original plan for the defence of East Pakistan, which remained operative until Lt-Gen S.M. Yaqub was replaced by Lt-Gen Tikka Khan on 7th March, 1971, was based on one infantry division only, namely the 14th Division supported by East Pakistan Rifles and Mujahids. We were informed by Maj-Gen (retd) Khadim Hussain Raja, at one time GOC 14-Division, that a contingency plan had been made visualizing a deliberate withdrawal at a timely juncture to various riverlines providing adequate territory around Dacca for its ultimate defence. However, no thought was given to the possibility of evacuation of our forces by sea or by the land route to Burma.

4. As already stated, Lt-Gen S.M. Yaqub was succeeded as commander eastern command by Lt-Gen Tikka Khan (not chief of army staff), who was, however, appointed governor and zonal martial law administrator of East Pakistan a few days later, and was in turn succeeded by Lt-Gen A.A.K. Niazi as commander eastern

command. It was accordingly during Lt-Gen Niazi's time that a fresh eastern command operational instruction was issued on 15th July 1971, after having been approved by GHQ.

5. The salient features of this instruction are discussed at length in chapter 1 of part III and part IV of the staff studies (volume II of the report). In the present context, it is sufficient for us to say that the eastern command was to ensure the defence of Dacca at all costs, as Dacca was, politically and militarily, the lynchpin. The command was to be prepared to fight rebels and miscreants besides meeting the external threat, and it was to operate under conditions of poor communications with inadequate resources and inferiority in the air. Finally, the eastern command was to fight an independent war.

6. The instruction visualized that the enemy's aim could be either of the following: -

- (a) territorial, in which case he would be content to capture area west of rivers Jummuna/Padma/Meghna, i.e. Rajshahi and Khulna civil divisions and some portions of Dacca division; or
- (b) political, for which he could capture some territory in northern Bengal or in Chittagong civil division to establish Bangladesh government and subsequently assist in its expansion.

7. It was further stipulated that in the event of war breaking out India could either take the offensive against West Pakistan only, while remaining on the defence against East Pakistan; or it could take the offensive against East Pakistan either in isolation or in conjunction with an attack on West Pakistan. It was considered more likely that in the then prevailing situation offensive would be taken against East Pakistan only while remaining on the defensive against West Pakistan.

8. An estimate was also made of the likely strength and capability of the enemy as follows: -

- (1) Strengthen five divisions, plus, with an armoured brigade group, B.S.F units and communications zone troops. This strength was reported as having been concentrated/earmarked for employment against East Pakistan by July 1971. The total strength of more than seven divisions, which was actually deployed during the war, became known only after September 1971;
- (2) Capability of lifting one battalion by helicopters;
- (3) Employment of para-brigade in support of the ground operations; and
- (4) Availability of eleven squadrons (ten fighter and one bomber) of the Indian Airforce for use in the Eastern Theatre.

9. Various hypothesis under which the enemy could launch the offensive were considered, and it was thought that the most probable and dangerous course would be the enemy's main effort in the Bogra sector directed at Hilli-Gaibanda neck and finally aimed at the capture of Bogra-Nagarbari area with secondary efforts in Jessore and Mymensingh sectors. The hypothesis of enemy's main effort against area Bhairab bridge-Daudkandi- Chandpur, and secondary efforts else where (the general pattern on which the Indian offensive actually developed), was also visualized but as the least likely in the order of probability. This has surprised us as to the development of road communications of the Indian army build up in that region was known to GHQ.

10. To achieve his mission, the Commander, Eastern Command, formulated his operational concept as follows: -

- (a) Main defensive manoeuvres to be under taken in areas west of River Jammuna/Padma.
- (b) Forward defensive posture to be adopted.
- (c) Immediately on commencement of hostilities, offensives to be launched to wrest initiative from the enemy. For this purpose, two task forces were to be created, one in area Mymensingh- Jamalpur and the other in area Maulvi Bazar for capturing opposite Indian territory.
- (d) Strong mobile reserves to be placed at Aricha both in the offensive and defensive role.

- (e) Securing of Lines of Communications and vital installations and the maintenance of law and order by Mujahids, police and Razakars.
- (f) Each sector to be made logistically self-sufficient for 30 days.

11. This last concept has been regarded by military experts as providing the basis for the establishment of what are called "fortresses", meaning thereby compact units and formations, eventually falling back on certain strong points owing to the availability of logistic support at those places, namely, reserve stocks of food and ammunition etc. These fortresses were expected to hold out "to the last man and the last round".

12. The plan formulated by the Eastern Command had the approval of General Headquarters, and it is indeed surprising that the following major weaknesses/ shortcomings were not noticed by the Commander-in-Chief of the Pakistan Army and his General Staff: -

- (a) That owing to its deployment on counter insurgency measures the army in East Pakistan stood scattered in penny-packets all along the border, and therefore it was necessary to lay down a hypothetical tactical juncture at which the army must be withdrawn to pre-determined lines of defence by deliberately surrendering certain areas, but no such guidelines were included in the plan, nor indicated by General Headquarters. By the end of November 1971, it had already become clear that the Indians were gradually nibbling at our territory in East Pakistan and that their objective no longer appeared to be the setting up of Bangladesh government in any corner of East Pakistan, but rather they were aiming to capture the entire province. In these circumstances, it was an essential requirement to redeploy our forces for the defence of Dacca in depth, but this requirement was not embodied in the plan.
 - (b) That the adoption of the fortress concept carried with it the necessity to ensure that hard-hitting reserve forces were placed behind the fortress so as to influence the battle by punishing the enemy when he attempted to by-pass them. The framers of the plan as well as those who approved it at the General Headquarters completely overlooked the fact that without the provision of adequate mobile reserves, linking the fortresses, the strong points were likely to be by-passed and isolated, and this is what actually happened. This requirement necessitated the allocation of additional troops to East Pakistan, but no determined and deliberate effort was made in this direction. The addition of three battalions as late as 26/27 November 1971 was utterly inadequate for this purpose; and
 - (c) That the plan did not cater for the contingency of withdrawal of the Pakistan armed forces and West Pakistan civilians by sea or land to Burma in the event of East Pakistan being overrun by the enemy. Such contingency planning was clearly called for in view of the fact that all the senior army commanders appeared to be entertaining the fatal conviction that East Pakistan could not be held against Indian invasion. A planned withdrawal, accompanied by determined rear guard action and proper diplomatic arrangements, would have been preferable to abject surrender.
13. We find that although the defence of Dacca was of vital importance from the political and military angles, and it was universally realised that the fall of Dacca would mean the end of East Pakistan, the General Headquarters was not in a position to furnish us with the detailed plans formulated by the Eastern Command or its subordinate formations for this purpose. While it is correct that ordinarily the GHQ would not concern itself with details of the plans prepared by formations lower than the corps level, yet for obvious reasons the defence of Dacca had to be treated differently, and the GHQ should have taken a direct interest in its details at the planning stage, knowing full well that it may not be able to exercise much influence at the execution stage. There has thus been a serious failure on the part of the GHQ authorities in the matter of guiding, directing and influencing the battle for the defence of Dacca.

14. We now turn to the western theatre. We have already stated, in the preceding chapter, that the main strategic concept spelt out in the War Directive of 1967 was that the 'defence of East Pakistan lay in the West Pakistan, meaning thereby that swift and determined action on the western front would enable us to seize sufficient Indian territory of political and military in pretext as to relive pressure on East Pakistan, and to bring the Indians to the negotiating table. In accordance with this concept the GHQ prepared plans of three categories, namely, defensive, counter-offensive and offensive. These plans envisaged two types of army formations:

- (a) those called the holding formations entrusted with the main task of defending the areas of their responsibility and carrying out limited counter-offensive measures, and
- (b) army reserves charged with the task of attacking Indian territory.

These latter formations and the plans pertaining to them appear to be the product of circumstances prevailing in East Pakistan since March 1971 which made it, more than likely, that the initial Indian offensive would be directed against East Pakistan.

15. The overall concept underlying the army plans was that in the prevailing environment the initiative would lie with Pakistan in opening the western front, where operations would be launched with a pre-emptive strike by the Pakistan Air Force against enemy's forward airbases like Srinagar, Pathankot and Amritsar etc. This pre-emptive strike would be followed by an aggressive opening of the western front within the framework of, initially, a defensive strategy in order to draw out and involve the enemy, followed by a switch to offensive strategy. In the initial phases of the army operations the Master Plan envisages a deception pattern in which the 7th division, normally located in Peshawar-Kohat-Bannu, would remain in that area till the last though it was required almost five hundred miles south in the area of Multan-Bahawalnagar for the army offensive. It would then move to an area giving the impression that it was poised for an incursion into Kashmir via Abbottabad-Muzaffarabad axis. To confirm this deception there would be two offensives in Kashmir area, aimed at the sensitive objectives of Poonch and Chamb, the former by 12th division and the latter by 23rd division.

16. The rest of the front was to be covered by 1 corps in area Gujranwala-Sialkot-Shakargarh Salient; 4 corps from a crossing over the river Ravi on the Amritsar-Eminabad axis (Maqbulpur crossings) to Fort Abbas due east of Bahawalpur; and the 18th infantry division would cover the remaining area down to the Run of Katch, including the approaches towards Umarmkot-Hyderabad and towards Karachi itself. These formations, though in a defensive role, were to "take initiative to improve local defensive posture and exploit weak spots".

In addition, certain specific tasks were also allotted to them. One corps was to capture an enemy enclave near Narowal called the Dharm Enclave; 4 corps was to eliminate the Indian enclave at Hussainiawala and extend our boundary further at Sulemanki where we already have a small bridgehead. The 18th division was to launch an attack to capture Ramgarh, about 30 miles inside Rajasthan thus adding depth for over vital Karachi-Lahore line of communication where it is too close to the border south-east of Rahimyar Khan.

17. The Master Plan further envisaged that to create the appropriate conditions for the launching of the army offensive the enemy had to be sucked-in at certain places. The idea was to thoroughly involve him with particular reference to his four independent armoured brigades which were up north, but could interfere with the army offensive in the south. The area selected for sucking-in the enemy was the 1 corps area of Shakargarh because the heaviest enemy concentration was reported to be in that area, and there were also indications that the enemy had designs on that area.

18. The major part in the offensive plan was to be played by 2 corps. The salient features of GHQ Directive for the offensive were that in the event of Indian attack on East Pakistan, the Pakistan army will seize initiative in West Pakistan right from the outset of hostilities, and will launch a strong offensive to capture maximum Indian territory of strategic importance, while defending our own vital areas. The objective of the

offensive was to seize area enclosed by Sri Karnpur-Chitala-Bathinda-Ludhiana-Ropar and Harike Headworks. In the first phase, area up to the twin canals and Chan Bhan drain was to be captured by 2 corps and the operation was to be completed by D+ 5. In the second phase Ludhiana area was to be captured by 2 Corps by D+16; in the third phase capture of Harike headworks and Ropar was to be completed by D+21, and in the 4th phase area up to the twin canals (north of Chan Bhan drain) was to be cleared by 4 corps. In the 5th and the last phase the entire force was to be reorganized.

19. Preparation of the plan was commenced during September 1971 and finalised during November 1971. All the corps commanders as well as the commander-in-chief of the Pakistan airforce were fully briefed on the plan; and to meet the additional requirements for air support, the Okara airfield was constructed on an emergency basis and the airstrip was ready for use by the beginning of the war.

20. An important element in this plan was the necessity to co-relate the operations in the west in a time-frame, not only amongst themselves, but also with the outbreak of the war in the East. According to the declared policy of the then president, which was in consonance with the accepted strategic concept, war was to commence in the western theatre in case East Pakistan was attacked by India. However, a clear directive to the three services headquarters as to the manner and things for starting the war from West Pakistan was not issued before hand. The GHQ worked out the army timetable on an M-Day basis, M being the day of government decision for opening the western front. The outline of the timetable was as follows: -

- | | |
|------------------------|---|
| (i) M-day | Day of decision. |
| (ii) M+3/M+4 | Balance of army reserves still away from their assembly areas to move into these areas. |
| (iii) M+5/M+6 or D-Day | Opening of western front. PAF delivers the pre-emptive strike and holding formations launch preliminary operations. |
| (iv) M+8/M+9 | Main offensive is launched by army reserves. |

21. The intervals between the above timings are explained below: -

- (a) The time between M-Day and M+3/M+4 was to enable reserve formations to complete their movement to the assembly areas. This time could have been saved if the formations involved had been moved into designated areas in anticipation of the decision and thus there could have been a saving of two or three days.
- (b) The period between M+3/M+4 up to M+8/M+9 was to be utilized by army reserves for the following purposes: -
 - (1) Two to three days for issue of orders, grouping, final checking, marshalling of railway rolling stock for onward move etc.
 - (2) Two days to move forward to firm bases/forward concentration areas etc.
 - (3) A reserve of one day for any unforeseen developments.
- (c) The period between M+5/M+6 to M+8/M+9, i.e. three days after the opening of hostilities, were to complete preliminary operations during which it was hoped that enemy's attention and resources could be distracted to enable the army reserves to achieve an easy and quick breakthrough when launched.

22. The commission was struck by the fact that this timetable was not included in the original plan for the army offensive, although it was an essential requirement of the same in view of its intended impact on the events in East Pakistan.

Planners in GHQ did not work out this time schedule before November 1971, as we find that it was put up for approval before the then chief of staff as late as 10th/12th November, 1971, by which date the Indians had already launched an all-out offensive against East Pakistan. Even then the timetable left the final decision

regarding the launching of the main offensive as a command decision depending upon the course of battle and the extent to which the enemy would become invoked. It is to be noted that according to GHQ thinking the opening of the western front was to acquire meaning and impact only with the launching of the offence.

23. The above time-frame does not relate the outbreak of war in East Pakistan with the opening of the western front, since the latter was considered to be a government decision. But had such a decision been taken in anticipation of an attack on East Pakistan (an intelligence report from New Delhi dated 10th November 1971 had indicated that it was expected on Eid Day i.e. 20th November), then the western front could have been opened on any day after 20th November, with the condition that an interval of five or six days had to be allowed from the day to decision. The main offensive by army reserves could then follow in the next two to three days, viz, by 28/29th November 1971.

While as a basic tactical concept the 1971 Master Plan was imaginative and bold, it suffered from a serious weakness inasmuch as it did not spell out, in concrete terms, the time relationship with the Indian invasion of East Pakistan, nor did it clearly state the circumstances and factors which the commander-in-chief was to take into account in launching the army reserves. As a result, this most elaborate plan was liable to be thwarted by the indecision of an individual, a disaster which actually occurred. In view of the accepted strategic concept and the public declaration made by the then President of Pakistan, the Master Plan should have automatically come into operation; according to its own time-table, from the day the Indians launched the open invasion of East Pakistan and admitted having done so. In that event there would have been massive effective retaliation from the West, with reasonable chances of success according to the calculations of the commanders responsible for the formulation and the execution of this plan.

But unfortunately these matters were left out of the plan and placed in the hands of Gen. Yahya Khan as a command decision.

How the general discharged his duties in this behalf and what he understood by the sucking-in of the enemy will be discussed by us in a subsequent chapter. At present, we are only concerned with examining the various aspects of the plan as such.

25. One final aspect of the formulation of the war plans must be noticed, namely, that there was an utter lack of joint planning by the three services, except to the extent that the commander-in-chief of the Pakistan Airforce was brought into the picture by the GHQ while planning the army offensive. The naval headquarters were hardly consulted during the formulation of the war plans, and the naval commander-in-chief continued to function from Karachi, practically in isolation from the other two services. The defence committee of the cabinet, and the joint chiefs committee did not meet at all to evolve an integrated plan for the defence of Pakistan; nor did these bodies have any opportunity of considering the implications of the army action in East Pakistan, its repercussions on the military situation between India and Pakistan, the opening of the western front, the surrender in East Pakistan and the ceasefire in West Pakistan.

Most of the decisions were either individual decisions of Gen. Yahya Khan in his capacity as president and supreme commander of the armed forces or at best they were GHQ decisions in consultation with the commander-in-chief of the Pakistan airforce. Even the planning staff of the air headquarters did not establish any close liaison with the general staff of the army during the planning stage. An inevitable result of these failures has been that the three services were practically fighting their own battles in isolation, so much so that even the commander-in-chief of the Pakistan airforce complained before the commission that he was not informed in time about the offensive launched by 18 Div against Ramgarh in the Rajashtan area. He also gave the impression that he was not consulted when the GHQ decided to call off the big army offensive in the south, for which he was keeping in readiness a major part of his force.

These matters will come in for a detailed discussion when we consider the question of the higher direction of war and also the manner of execution of these plans, but they are significant in the present

context as showing that apart from the inherent weaknesses of the army plans, the planning processes themselves were defective and not likely to produce the best results by way of coordinate joint plans of the defence of Pakistan.

26. Our conclusions may be summarised as follows: -

- (a) We find that plans for the defence of Pakistan were formulated by the three services in practical isolation from each other, no use having been made by Gen. Yahya Khan of the defence committee of the cabinet and the joint chiefs committee for evolving an integrated and coordinated plan. Almost all the critical decisions were taken by Gen. Yahya Khan or the GHQ without the matters having been examined by the machinery which, undoubtedly, existed for the higher direction of war. The only exception was in the case of Air Marshal Rahim Khan, commander-in-chief of the Pakistan airforce, who was brought into the picture by the GHQ while planning the army offensive, and who was frequently consulted by Gen. Yahya Khan;
- (b) The plan formulated by the commander, Eastern Command, was approved by the general headquarters without noticing that it suffered from the following major weaknesses/shortcomings: -
 - (i) It did not lay down a hypothetical tactical juncture at which the army must be withdrawn from the borders of East Pakistan to predetermined lines of defence by deliberately surrendering certain areas, so that it could be re-deployed for the defence of Dacca in depth.
 - (ii) that the adoption of the 'fortress' concept carried with it the necessity to ensure that hard-hitting reserve forces were placed behind the fortresses so as to influence the battle by punishing the enemy when he attempted to bypass them, and
 - (iii) that the plan did not cater for the contingency of withdrawal of the Pakistan armed forces and West Pakistani personnel by land or sea to Burma in case East Pakistan was overrun by the enemy;
- (c) the GHQ failed to examine the detailed plan for the defence of Dacca under the mistaken notion that this was a matter of detail to be sorted out by the Eastern Command with its lower formation concerned. In view of the admitted vital importance of Dacca from the military and political angles and the fact that the fall of Dacca was bound to mean the end of East Pakistan it was incumbent upon GHQ to guide, direct and influence the plan for the close defence of Dacca, but it failed to do so; and
- (d) the master plan for the Western Theatre suffered from a serious weakness inasmuch as it did not spell out, in concrete terms, the time relationship with the Indian invasion of East Pakistan, nor did it clearly state the circumstances and factors which the commander-in-chief was to take into account in launching the army reserves. As a result, this most elaborate plan was liable to be thwarted by the indecision of an individual, a disaster which actually occurred. In view of the accepted strategic and the public declaration made by Gen. Yahya Khan the master plan should have automatically come into force according to its own time-table from the day the Indian launched the open invasion of East Pakistan.

17

THE EVALUATION OF THE INDIAN THREAT

1. Regard being had to be political history of this subcontinent before independence and our relations with India thereafter, it is almost elementary that at all times, from a purely military point of view, India should have been regarded as a potential danger. This is not to say that either our foreign policy or our military conduct should have been based only upon the concept simply that India was the foremost enemy against whom we have need to defend ourselves. All we mean is that, in evaluating the possibility of threats to our own security India's known hostile attitude to us should always have been a factor constantly to be kept in mind. That she had never reconciled herself to the partition of the subcontinent should consistently have kept us on guard that any opportunity that we gave India would definitely avail of as an excuse for attacking us.

2. In fact all the records that the government had during the critical days in 1971 did keep this danger constantly in mind and the government was or should have been aware of the danger. On 19th May 1971 the National Security Council drew up a paper called "Threats to Pakistan", which ably summarised the various internal and external threats, which the country was then facing. It pointed out the ideological basis upon which Pakistan itself was founded and how we had drifted into a state of disunity. The cause of this disunity was stated primarily to be the Indian subversion aimed at creating regional and parochial feelings, the influence of alien ideologies and foreign propaganda on the minds of the younger generation and the hitherto unresolved language issue which helped in escalating regional feelings pushing us gradually towards disintegration.

Building on this theme the paper went on to point out the likelihood of Indian attack giving as the main grounds for that opinion the following:

- (1) That the Indians would attempt to justify operations against us on the pretext of supporting Bangladesh and it would not find it difficult to do so at the bar of world opinion.
 - (2) That the army in East Pakistan had its own preoccupation in that it was committed against rebels and in manning important border outposts which had till March, 1971 been looked after by the ex-East Pakistan Rifles. This would make the Indian offensive more likely to succeed.
 - (3) That a large majority of the population of East Pakistan had already been alienated, i.e. by military action, and
 - (4) That India was in fact assisting the rebels.
3. On this paper the president remarked: "A good paper".
4. The Inter-Services Intelligence also in a paper "Assessment of Indian Threat", dated June 1971, clearly drew attention to the possibility of India going to war, outlining even the likely pattern of her offensive and estimating the quantities of force of various kinds that India could bring up on land, on water and in the air.

Curiously enough, however, there are passages in this report in which the authors seem to discount the possibility of open intervention by India; for instance in one paragraph the report states: "The possibility of a war between the two countries is more likely now than ever before."

The Indian government appreciates the implications of a war with Pakistan and have so far exercised some restraint and caution by avoiding overt aggression in East Pakistan", and again in another paragraph the report states: "The Indian government is unlikely to be stamped into a War with Pakistan either to divert internal attention or by political pressures". Nevertheless, the paper did warn that there being a substantial military imbalance already between the armed forces of India and Pakistan, an excessive imbalance could motivate India to go to war with Pakistan and that the need, therefore, to prevent the imbalance from achieving alarming proportions was obvious. Upon this paper the president endorsed: "This should be examined by all the service headquarters".

5. Whatever the reasons for the somewhat wavering and ambiguous conclusions in this paper, it is clear that the necessary facts for drawing an adequate inference were duly placed before the government and the danger at least, if not the probability, of Indian intervention appreciated.

6. In September, 1971 the ISI directorate summed up the latest Indian posture and stated that in support of her political ambition of destroying Pakistan and a substantial portion of Pakistan military potential, India was preparing for a military solution in East Pakistan of her liking. In addition to this as early as May 1971 responsible political leaders in India were openly talking of East Pakistan's situation as the "opportunity of the century for India". There was also some very direct information obtained by the then Secretary of Labour and Health Mr Riazuddin Ahmed from a conversation he had with an Indian minister at the International Labour Organization conference of India's intentions which, down to the actual dates of military intervention, has subsequently been confirmed by event. Even foreign correspondents gave news reports estimating the size of the Indian build-up on the East Pakistan border the implications of which were only too obvious.

7. Meanwhile, from May, 1971 onwards the Indian prime minister and the foreign minister issued repeated statements complaining of the exodus of refugees from East Pakistan, emphasizing the urgent need of a political settlement by Pakistan with what they started calling Bangladesh and asserting that the conduct of Pakistan was creating a problem for India on her own borders. Only two plainly India was making out a case for justifying her own intervention in what would otherwise be clearly a domestic problem of Pakistan in which no international body, much less the United Nations, could interfere.

8. Curiously enough, however, on 10th June, 1971 the Directorate of Military Intelligence sent up an analysis of the Indian threat which started with the assumption that "despite aggressive posture and constant provocative threats, India is unlikely to resort to all-out war with Pakistan but may embark on nibbling attack close to borders to support the rebels and occupy limited territory". Nevertheless, it recognizes that a limited offensive in certain areas of East Pakistan could be assumed at short notice and mentions the Jessore sector, north Bengal, Sylhet and Akhuara as the likely areas for the "nibbling attacks". It then lists the Indian support to the rebels and goes on to make some recommendations.

9. Despite this assumption, made apparently without enough justification, the facts which the report disclosed were alarming enough and could not have contributed to any comfortable feeling in the mind of the government of any immunity from Indian attack. Indeed that the report did not have such a soothing effect is clearly shown by the note of the Chief of General Staff, Lt-Gen Gul Hassan which is, we think, worth reproduction: -

"I generally agree with the views expressed by the DMI. However the disturbing feature lies well ahead. After having trained 30-40 thousand Mukti Bahinis, the Indians would launch them to intensify the present activity after the monsoons. At the same time India would have moved all the refugees from our borders - this exercise has already begun and I am convinced that the Mukti Bahinis type of ops do

not need an uncongested border. Thus with the end of the monsoons with all the trained Mukti Bahinis let loose inside East Pakistan and our forces engaging them i.e., looking inwards the Indians could easily violate our border and gain an easy and a confused victory. Even if identified that she has openly aggressed, she would use the pretext that continued disturbed conditions in East Pakistan are likely to upset peace in her eastern provinces. I have said continued because from end March to end October would be over six months. The defeat of our troops in East Pakistan and this will be inevitable, would considerably weaken the prestige of our armed forces in the Western Wing i.e. if we do not go to war. So the two alternative open to us would be fight the Indians here or just watch the operations against East Pakistan - both very critical choices. We ought therefore to obtain appreciations from the DG ISI and Foreign Office which would project well into the future".

10. In spite of this and regular intelligence report of Indian troops movements immediately outside the border and even of local skirmishes we find, to our utter surprise, that the top leadership of the Pakistan army, including Gen. Yahya himself and Gen. Abdul Hamid stated that at no time did they expect open Indian intervention. We cannot but regard this as another glaring example of Gen. Yahya living in a dream world of his own, utterly divorced from realities. Apart from purely military intelligence, the then foreign secretary stated before us that if the president ruled out Indian intervention he was under an illusion. The capabilities of the enemy included from October 1971 onwards a simultaneous attack coordinated under Lt-Gen Aurora GOC-in-C Eastern Command, comprising three corps of approximately eight divisions strength. Of these, No 2 corps, comprising two divisions and one armoured regiment, faced Jessore-Kushtia-Khulna area, No 3 corps, comprising two divisions, one independent brigade and two armoured regiments, faced Dinajpur-Rangpur-Bogra area and No 4 corps, comprising (three infantry divisions and possibly two additional) brigades faced Sylhet-Comilla-Feni-Chittagong area. Two additional detached brigades faced Momin Shahi-Jamalpur area. A parachute brigade was held at Calcutta as the command reserve. A number of artillery brigades of divisions facing China were also reported to have been moved to support the formations against East Pakistan. All of these forces would include a proportion of the 35 BSF battalions available to the enemy, in themselves representing almost four additional divisions.

11. IAF had 11 squadrons in East Pakistan as follows:

Subsonic (Hunter) fighters squadrons	4
Subsonic (Gnat) fighters squadrons.....	3
Supersonic (MiG 21) fighters squadrons.....	3
Supersonic (SU 7) fighter squadrons.....	1
Total.....	11

In East Pakistan IAF was capable of putting up 200 sorties per day for strike and/or any support and 200 sorties per day for air defence, that is a total of 400 sorties a day against East Pakistan.

12. For riverine and seaward support the enemy had naval support which was available from the base at Vishakapatnam, which was specially equipped as a submarine base. The naval forces stationed in the Bay of Bengal comprised one submarine, the amphibious force capable of landing one battalion group supported by a squadron of tanks, approximately 5 patrol craft augmented by 20-25 patrol craft of the BSF and some frigates/destroyers.

Further it must be realised that naval forces are characterised by their complete mobility and ease of re-deployment. Thus the forces in the Bay of Bengal could always be augmented from the vast fleet based on the West Coast of India in accordance with requirements. This fleet comprised mainly of an aircraft carrier, two cruisers, 3 submarines about 21 destroyers/frigates and 8 missile boats. This is borne out by the fact that India did move the aircraft carrier and another submarine to the Bay of Bengal in November 1971 before the

war. India thus had the capability of effecting a complete blockade of East Pakistan which was clearly appreciated by ISI and NHQ as mentioned in their intelligence summaries. The enemy also had a para-drop capacity of a brigade based on ferrying battalion groups at a time and could land heliborne troops in one-battalion groups at a time.

13. On the other hand in West Pakistan India was capable of keeping a defensive posture in Kashmir with its No 15 corps of three divisions and an ordinary brigade group along the ceasefire line including Chamb and Akhnur. In the Jammu-Kathua area it was capable of holding Jammu with one division while having the capacity to attack the Shakargarh Salient from the north with one division (No 54) and an independent armoured brigade No 16) in conjunction with another similar sized thrust from the East at the nose of the salient with one division (No 39), still retaining one division (No 36) and two armoured brigades in reserve. In addition there was one (No 17) armoured brigade surveilling the Eminabad-Amritsar axis and an armoured brigade in depth (No 2) in area Gurdaspur.

14. On the Lahore side India could hold with two divisions while keeping a reserve for this sector of two brigades.

15. Further South India could hold opposite Ferozepur- Sulemanki in Fazilka area with one division keeping two armoured brigades in reserve: and still further South he could surveille the 750 miles border from area Ramgarh down to Kutch with two desert trained divisions who could also take advantage of any weakness in our defences and undertake an offensive, if opportunity offered.

16. To exploit any opening created anywhere along the West Pakistan border the enemy had the first armoured division at about the centre of the expense of the western front at Muktesar, capable of following up towards Rajasthan/Karachi or centre of north if the opportunity arose.

17. IAF consisted of: -

Subsonic bomber (Canberra) squadrons.....	3
Subsonic fighter (Myster) squadrons.....	3
Subsonic fighter (Hunter) squadrons.....	3
Subsonic fighter (Gnat) squadrons.....	5
Supersonic fighters (HF24) squadrons.....	2
Supersonic fighter (SU7) squadrons.....	6
Supersonic fighter(MiG 21) squadrons.....	6
Total.....	28

660 sorties a day for strike and/or Army support. 460 sorties per day for air defence. Total 1120 sorties per day against West Pakistan, massive effort in comparison to ours.

18. For naval support the enemy had its western fleet comprising eight OSSA missile boats, two submarines, two cruisers and eighteen destroyers/frigates. These were supported by their own maritime reconnaissance and anti-submarine aircraft. This gave them the capability of effecting a blockade of Karachi and also of destroying the Pakistan Navy if opportunity arose.

19. The question has troubled our minds whether, this being the situation, we should not have done something to increase our defence capability in East Pakistan. We have elsewhere stated our view that the traditional concept of the defence of East Pakistan lying in West Pakistan needed at least some modification in the context of the circumstances prevailing in 1971. No effort, it seems was made to reinforce East Pakistan despite the threat that we have summarised above.

Generally the explanation given to us by those at the helm of affairs has been that no amount of addition of strength in East Pakistan would have made any material difference. This is, of course, entirely in line with the traditional concept of defence that we have mentioned. If that concept indeed had been correct, we should have

expected the opening up of the western front immediately after the all-out war in the East and that, in anticipation of such a war, all possible steps that could be taken before an actual outbreak would have been taken, so that on the open invasion of East Pakistan we should be immediately able to take necessary measures in the West. This is an aspect, however, that we have considered elsewhere and do not mean to repeat here.

Coming back, however to the explanation put forward for not reinforcing East Pakistan we know that it is entirely inconsistent with the fact that three infantry battalions were in fact rushed to East Pakistan as late as 26th and 27th November, 1971.

20. A second explanation - or to put it more accurately, another way of stating the same explanation - is that a reinforcement of East Pakistan would, without doing any good to that region, have to that extent weakened us in West Pakistan. We are un-impressed by either version of the explanation. There does not appear to have been any strategic evaluation in relation to the developing Indian threat in East Pakistan on the basis of which additional troops were sent. We feel any such evaluation would have brought out the fact that East Pakistan can be divided into four clearly definable compartments. The minimum that was necessary for each of these was the deployment of at least one division. Indeed later the need for this was actually felt and by sending additional troops and the creation of an ad hoc division such a deployment did take place. In view, however, of other problems, including the length of the frontier, the three brigades of which a division normally consists would have been used up in each of these areas with the result that no reserves would have been left. In this view of the matter we think it was necessary to send at least one additional brigade for each of these compartments, i.e. four brigades in all, an equivalent of little more than one division.

21. It has also to be realised that as soon as winter set in, around the middle of November, India would be less worried by the necessity of keeping any troops facing China. The USSR was already formally committed to help India and there was no apparent reason to fear the intervention of any other power. Consequently if India could time her intervention in East Pakistan sometime after the middle of November she would have, in addition to the forces that we have already mentioned, those that she had reserved for use in the north-east frontier area (NEFA). In estimating her strength on the western and the eastern border we have taken no account of these forces, which we understand amount to about five divisions. Out of these perhaps one or two could be pulled out to reinforce the East Theatre. It should not, therefore, have been difficult to foresee that India would prefer to let things take shape in such a way that, politically, the climate for her intervention should become favourable during November.

All these factors taken into account we think that the government should have known that India would intervene sometime after 15th November, 1971, and indeed in the sense that the facts were known to our intelligence bodies and that those were evaluated and placed for the information of the highest authorities, this threat was fully known. When, therefore, Gen. Yahya and Gen. Hamid maintained that they did not believe that India would go to war with us, we are driven to the only possible conclusion that, obstinate in his determination not to negotiate politically with the Awami League, Gen. Yahya chose to ignore the facts and imagined what he wished, namely, that there was no fear of Indian intervention.

22. Against this ostrich-like attitude of the then president it was the other world of fantasy in which the so-called hawks were living. During the course of the visit of the Pakistan delegation to China, headed by Mr Z.A. Bhutto, Pakistan was advised to avoid war and to use all other methods of achieving a solution if possible. We have had good evidence that Air Marshal Rahim Khan, then commander-in-chief of the airforce, and Lt-Gen Gul Hassan, then Chief of General Staff, were entirely averse to accepting this advice. Their view was that they had in their hands the opportunity of settling scores with India finally, though in the process they would have to write off East Pakistan.

Such a view, we must confess stuns us, both by its callousness and its entirely unrealistic ambition. The whole thinking, as we have pointed out before, behind the opening of the second front in West Pakistan

could have been justified only on the basis that by so doing we would either relieve pressure in East Pakistan or make such substantial gains as would give us comfortable bargaining power at the conference table in the post-war negotiations with India.

For a Pakistani at this stage not only to refuse East Pakistan her rights and due share in the political power of the country but to think in terms of writing off that area, was atrocious. It would be going back upon every principle and ideal which led to the creation of Pakistan. The political morality of the idea, however, apart if East Pakistan was to be written off what was the justification or the excuse for starting a war in the West at all? Granted the excuse what was the strength upon which we were relying for settling scores? If indeed we had made up our minds not merely to let East Pakistan secede, but as it were to push her way, we cannot see upon what power we were counting for settling any outstanding dispute with India in the West. Such disputes obviously could mean only the question of Kashmir and/or the rivers which give water to this part of the subcontinent. Even with India having some of her troops engaged in the East Pakistan conflict and some others committed to defence against China, we were outmatched. In the event we have seen that our effort, if it can be called such, to relieve East Pakistan was futile. With the assumption of letting East Pakistan go we do not at all understand how we could have expected to defeat India in a war on the western front and with what object we should have fought such a war.

18

THE STATE OF PREPAREDNESS OF THE ARMED FORCES

1. An assessment of the state of preparedness in the armed forces is ordinarily a question of examining firstly, the adequacy of its manpower and secondly, the state of the training of the manpower. In the peculiar context of our circumstances in 1971 what has additionally to be considered is the impact of martial law upon the professional competence of the armed personnel.
2. It is to be regretted that we have not been able to find upon the evidence that there was any proper concept of manpower planning either within the armed services or at the national level. It is remarkable that, even in the critical months after March, 1971 when war was clearly a probability, if not an imminent certainly, the question seems to have bothered the general staff very little. It does not appear that even the chief of staff, much less then the commander-in-chief, ever showed any interest in this all-important question.
3. It is true that we have implied above that the blame lies with the army headquarters and we seem to have failed to take into account the failure of the ministry of defence and the military finance. These too, of course, ought ordinarily to be charged with their due share of responsibility but it is to be remembered that, from the time that Field Marshal Ayub Khan became President, the role of the ministry of defence by degrees dwindled into that of a mere administrative machinery. This may well be regarded as an abdication by them of their proper functions but we think it was more a question of their deposition than of their abdication. Apart, however, from the question of division of blame what we at the moment emphasise is that due attention was not given to this problem.
4. In March 1971 when the emergency in East Pakistan commenced the reserve manpower stood at 53,000 as against the total planned requirement of 1,10,000. Nevertheless, there was no increase in the figure of 53,000 after March 1971. There was, of course, an entirely unexpected demand and the provision of manpower towards new raising was planned at 10,000 but in actual fact rose to 1,02,000 during the year 1971. Naturally this demand exhausted the proper reservists with the result that when the war started on 3rd December 1971 in West Pakistan no trained manpower was available as a reserve except old ex-servicemen who had long passed the period of their reserve liability.
5. In order to provide for the requisite manpower it was essential that legislation along the lines of the Compulsory Service Ordinance be promulgated, but although, the move for doing so was made in April, 1971 the actual promulgation of the Ordinance did not take place until 4th December, 1971. We are quite unable to reconcile ourselves to this inordinate and disastrous delay.

6. In the case of the navy a phased mobilization plan was brought into effect from April, 1971 and fleet reservists and pensioners up to the age of 40 were recalled initially; however, with increasing requirements in East Pakistan the age limit was raised to 48 years and finally to 50 years. Later the ISPR directorate, without even consulting the naval headquarters, issued a press release raising the age once again to 55 years.

7. In regard to the airforce the strength of the regular PAF airmen stood 18,509 as against the war establishment of 22,282. After some 4,720 East Pakistani airmen became incapable of being used, the manning level dropped to about 62 %. Instructions were, therefore, issued to recall airmen released in or after 1961 and later the date was extended to 1958, and as a result some 1,806 airmen were re-enrolled. In addition 189 airmen on deputation to foreign countries were also recalled but they arrived on and after 6th December 1971.

8. Consolidated requirements of civilian personnel was sent to the government of Sind for recruitment and by and large the requirement was more or less met. In addition, as far as the PAF is concerned, the services of 83 technicians and 110 motor transport drivers was also made available by the PIA.

9. The manner in which the problem was handled is best illustrated by what happened in regard to the army; in any case that being the main service a deficiency in it mattered the most. The case for the promulgation of the ordinance, according to the adjutant general's branch, was initiated in April 1971 but they complained that it was finally promulgated only on 4th December 1971. After what is obviously a very long delay.

According to the defence ministry the delay was occasioned by GHQ themselves. On examination we found that what had been received by the defence ministry from the adjutant general's branch on 15th April 1971 related only to a shortage of doctors and an ordinance was asked for that limited purpose.

There followed the ordinary routine of official procedure and eventually it was approved on 16th June. At this stage the adjutant general's branch asked that it should apply to doctors and engineers and, in the revised form, sanction was conveyed on 26th November 1971. Curiously enough, however, though by this time the war in East Pakistan had started, the adjutant general asked that promulgation of the ordinance be withheld till he asked for it. It will be seen, therefore, that any lack of speed with which the defence ministry processed the case was not in fact responsible for the delay. But whether or not the defence ministry was responsible it is only too clear that the whole question was handled with a lethargy in sharp contrast to the urgency of the requirement.

10. The consequence of this delay in the promulgation of the necessary legislation is obvious: when the reservists and others were finally called up there was no time to give them any training, much less adequate training. Training, in any case, as we shall see, was poor generally but these newly called up personnel could not be given the training that the others had received. There was also, as a result of this delay, a great deal of confusion at the receiving centres, which themselves also were not organised for the reception. We have had, for instance, evidence to show that when, in response to the call up, personnel started arriving no arrangements had been made even for their food. It was left to the philanthropy of one public-spirited citizen at a particular centre, to arrange that they should have at least one good meal. At this particular centre, the next day the called-up personnel were asked to go back.

11. Before we go on to deal with the state of training it will be as well to notice the consequence which the imposition of martial law had upon the professional, calibre of the armed forces. Entirely apart from its political aspect, the imposition of martial law demanded the involvement of the services in martial law duties from March 1969 onwards. It is true, of course, that this relates almost wholly to the army but in view of the fact that in the final analysis it is this service which mattered most, and that, as we have seen planning and coordination really meant the adaptation of plans in the other services to meet the army plans. It must follow that an impact on the army would be felt generally by all the services. We have ascertained that the total of 1,555 of army officers, were at one time or the other required to do various martial law duties, but more important than the actual number of the officers so involved is the fact that, almost without exception, the general officers commanding divisions and the brigade commanders were so involved.

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9. The manner in which the problem was handled is best illustrated by what happened in regard to the army; in any case that being the main service a deficiency in it mattered the most. The case for the promulgation of the ordinance, according to the adjutant general's branch, was initiated in April 1971 but they complained that it was finally promulgated only on 4th December 1971. After what is obviously a very long delay.

According to the defence ministry the delay was occasioned by GHQ themselves. On examination we found that what had been received by the defence ministry from the adjutant general's branch on 15th April 1971 related only to a shortage of doctors and an ordinance was asked for that limited purpose.

There followed the ordinary routine of official procedure and eventually it was approved on 16th June. At this stage the adjutant general's branch asked that it should apply to doctors and engineers and, in the revised form, sanction was conveyed on 26th November 1971. Curiously enough, however, though by this time the war in East Pakistan had started, the adjutant general asked that promulgation of the ordinance be withheld till he asked for it. It will be seen, therefore, that any lack of speed with which the defence ministry processed the case was not in fact responsible for the delay. But whether or not the defence ministry was responsible it is only too clear that the whole question was handled with a lethargy in sharp contrast to the urgency of the requirement.

10. The consequence of this delay in the promulgation of the necessary legislation is obvious: when the reservists and others were finally called up there was no time to give them any training, much less adequate training. Training, in any case, as we shall see, was poor generally but these newly called up personnel could not be given the training that the others had received. There was also, as a result of this delay, a great deal of confusion at the receiving centres, which themselves also were not organised for the reception. We have had, for instance, evidence to show that when, in response to the call up, personnel started arriving no arrangements had been made even for their food. It was left to the philanthropy of one public-spirited citizen at a particular centre, to arrange that they should have at least one good meal. At this particular centre, the next day the called-up personnel were asked to go back.

11. Before we go on to deal with the state of training it will be as well to notice the consequence which the imposition of martial law had upon the professional, calibre of the armed forces. Entirely apart from its political aspect, the imposition of martial law demanded the involvement of the services in martial law duties from March 1969 onwards. It is true, of course, that this relates almost wholly to the army but in view of the fact that in the final analysis it is this service which mattered most, and that, as we have seen planning and coordination really meant the adaptation of plans in the other services to meet the army plans. It must follow that an impact on the army would be felt generally by all the services. We have ascertained that the total of 1,555 of army officers, were at one time or the other required to do various martial law duties, but more important than the actual number of the officers so involved is the fact that, almost with no exception, the general officers commanding divisions and the brigade commanders were so involved.

The GOC is the head of the formation, subject in general only to GHQ. It was hardly to be expected that in this state of affairs the professional competence of these officers would not be affected or that their concentration upon their proper duties would not deteriorate.

12. Perhaps even worse was the psychological effect on the mental attitude of military officers in general. Comparatively junior officers were armed with power and importance out of all proportion to their normal rank and status, thus not only alienating civilian sympathies but also affecting their devotion to strict military thinking and training. It is obvious also that as in the case of all arbitrary power, no subject to check, the temptation to use such power for personnel ends could not be resisted by most of the officers.

13. We have heard considerable criticism against the methods of training adopted in the army. If this was made only by uninformed lay men we would not have attributed much importance to the criticism. However, since military witnesses, including officers of high rank, have commented adversely on the system and methods we cannot lightly ignore their views.

14. Broadly, training is divided into individual and collective training. The object of the first is to inculcate in soldiers proficiency in handling weapons, efficiency in their special trades, if any, and physical fitness. The other is collective training which means that platoons, companies, battalions and formation are trained to act together as combat units.

15. In regard to individual training it has come to our notice that every year the whole ground is gone over again in the sense that the lessons are taught from the beginning. However, desirable repeated training may be, we cannot but feel that it is a waste of time to give even to soldiers, already trained, elementary training. We should have thought that it would be wiser every year to give this elementary training only to the freshly recruited men and in regard to the others to proceed further.

16. Be that as it may, it is only after the period allotted for individual training is over that collective training can start every year. At least in 1971 when the possibilities of war were looming large, some deviation could have been made from the usual pattern to achieve a state of readiness, but in that year also standard practice prevailed. We waited until the individual training was over to commence collective training. It is obviously necessary that every commander should check to see whether his troops, both collectively and individually, are able to undertake quickly and efficiently all the different manoeuvres for which they have in peace time been trained. We find that the practice of formations has been that they make their own plans for training and these plans are then sent right up to GHQ level, whereafter they assume a degree of rigidity, in that even general officers cannot vary the programme. It is rare that the GHQ has found it necessary to disapprove of or alter any of these plans. The reason for such strict adherence to the plans, once sent up to GHQ, is stated to lie in the fact that otherwise the chief of staff, the director-general of military training and other supervising officers from GHQ would not be able to pay visits at the appropriate time in order to check on the training.

There does not appear to us to be any justification whatever in the system. The whole purpose of checking by general officers is to ensure that training is well done but in a sense it seems to have worked the other way round, namely that the training must be so planned that GHQ does not find any difficulty in checking. Surely it should not be difficult to devise ways for the GHQ to find out when it will be appropriate to go for inspections and we cannot agree that this is sufficient reason for limiting the discretion of general officers. It would be obviously more satisfactory that, within certain known limits and keeping in view certain laid down standards, a general officer should be able to vary the training plans so long as he keeps his troops in a state of full preparedness at all times.

17. The actual training in the period 1966-71 can be best gauged from the directives for those years taken from the C-in-Cs annual training directives.

"The year 1966.

No training directive issues.

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17. The actual training in the period 1966-71 can be best gauged from the directives for those years taken from the C-in-Cs annual training directives.

"The year 1966.

No training directive issues.

The year 1967.

The year 1966 has been devoted to collective training and assimilation at all levels of the lessons learnt from war. I am aware of the efforts made by formations in all fields particularly in the light of the general training directive, 1963, and policy letters on basic, higher and staff training, issued during 1966. I am also conscious of the training problems/difficulties the army is facing and the positive action being taken by formations/units to overcome them. All these efforts have contributed to the operational preparedness and effectiveness of the army. However, in view of the post-war expansion of the army a lot more is still to be achieved.

In this directive I intend to define our training policy for the year 1967. The training objective for the year is to train ourselves to fight an enemy who is not only numerically and materially superior but is also treacherous. This demands perpetual vigilance and very high standard of tactical and technical proficiency and physical fitness.

Collective training with troops will be up to battalion/regiment level. Newly raised formations may, however, conduct exercises up to division level.

The training of formation HQ, senior commanders and their staff will be carried out through signal-map exercises, telephone battles, war games etc. Also, Div/Corps logistic units will be exercised.

The year 1968.

The year 1967 was devoted mainly to individual training and collective training up to regiment/battalion level. Some of the newly-raised formations also carried out formation exercises with troops. In their training efforts formations and units faced a number of problems resulting from re-organization, the large influx of young soldiers, shortage of trained instructors and training facilities. Most of these difficulties are likely to continue to face us in the coming year, though they will progressively be reduced in the course of time as a result of the various measures that have been set in motion to eliminate them. Meanwhile even greater thought and effort and careful planning are necessary to ensure that training effort produces results in spite of the handicaps facing us.

A good deal of ground remains to be covered to bring the army up to the desired standard of training for war. We must strive to achieve the highest standards possible and concerted efforts must continue by formations and units in raising the standard of individual proficiency - technical as well as tactical and also in the training of junior leaders, commanders and their staffs and formation HQ. The ultimate objective is to train the army to fight an enemy who is not only numerically and materially superior but it also treacherous, thus demanding perpetual vigilance and a very high standard of tactical and technical proficiency and physical fitness. To achieve this aim I have defined my training policy for 1968 in this directive. Collective training this year will be up to brigade level.

The year 1969.

The Year 1968 was devoted mainly to individual training and collective training up to brigade level. Most of the difficulties which resulted in the past due to new raising and reorganizations (since 1966) have been gradually overcome and formations are steadily emerging as well-knit teams.

The year 1970.

Collective training this year will be up to brigade/division level, (note: Brought down to battalion level in July 1969) at the discretion of the formation commanders, within the framework of the overall plan issued vide my letter No 6860/623/MT-I/C-in-C, dated 8th February, 1968.

The subject for special study for 1969 will be attack by infiltration and anti-infiltration measures. Formations will study this subject with special reference to their operational roles, the terrain, and likely enemy dispositions, primarily under conditions of darkness.

The year 1969 was marked by wide spread political and social unrest in the country and the consequent involvement of the army for the maintenance of law and order and the imposition of martial law. These duties have militated against our efforts to achieve fully the training targets set for 1969, in spite of partial disengagement of troops and the hard work put in by all."

Areas of weakness noticed in 1969 were as follows: - "Planning of training and the availability of men need much more though and detailed work than heretofore. In other words, the point of main effort in the field of training should be discernible.

Exercises were rather rigidly controlled and left very limited scope for the initiative of the commanders being exercised. The conduct of night training was half-hearted, despite detailed guidance issued by GHQ on the subject from time to time.

In addition, many of us find it difficult to disengage ourselves mentally from the martial law and the situation generally obtaining in the country even after units have been withdrawn from the internal security role. The present state of uncertainty of the political and the constitutional situation may well continue during the greater part of 1970 and the degree of physical involvement of troops may vary in different parts of the country according to the prevailing situation. On the other hand, the army simply cannot afford not to utilize fully another training year. It is, therefore, vitally important that formations and units make the best use of the training time available to them and every one, not directly connected with the martial law, gets down immediately to the task of training himself and his command with single-minded devotion and energy.

Training Mission: The training mission of the Pakistan Army for 1970 is to make the maximum and the most effective use of the training time available to achieve a high standard of individual and collective training within the framework of the commander-in- chief's general training directive, 1968, viz individual training only.

The year 1971.

During 1970, despite the general policy of disengagement of troops from martial law duties, the majority of the formations remained committed on these duties in one form or another. In order to make up for the dislocation thus caused to training and to enable the troops to achieve mastery in the mechanical and tactical handling of the new range of weapons and equipment inducted in the army the period of the implementation of the commander-in-chief's training directive, 1970 has been extended to the training war 1971.

The level of collective training will remain at battalion level also through GHQ letter No 6859/2237/MT-I, dated the 15th May 1971.

C-in-C's annual training directive, 1971, lays down the level of training up to battalion/regiment for the current year. The level of training was restricted to compensate for the loss of training time during 1970 due to formations' commitments on martial law and internal security duties.

To cater for the new raising (17 division and 33 division), it has been decided that the two divisions should carry out collective training exercises up to the brigade group level for the current year.

HQ 1 Corps Only.

This disposes of your letter No.0202/8/ GS(T), dated 14th April 1971. The 8-armed brigade may also be permitted to carry out a brigade level exercise as desired by you.

"Assault on enemy strongly held localities with particular reference to the technique of dealing with obstacles like wire, mines, fortifications etc. in the final stages of the assault, will be studied in detail and practised during the individual and collective exercises (please also see GHQ Ltr No 6859/2237/MT-1 dated 29th April 1971).

"HQ eastern command.

Two additional formations have recently been placed under command HQ eastern command. The type of training carried out by these formations in the past is considered neither adequate nor appropriate for their new operations role and the terrain conditions in their areas of responsibility. It is, therefore essential that these formations are suitably trained at the earliest so as to make them fit for their new operation role.

In view of the above, HQ eastern command will lay special emphasis on training in riverine and anti-guerrilla operations during 1971.

GHQ training instruction 85/60 provides some guidelines on riverine warfare. A pamphlet on riverine warfare and a GHQ training instruction on anti-guerrilla operations have been finalised at GHQ and will be issued to them in the near future."

18. It is clear, therefore, that the troops did not have any collective training worth the name and this had an adverse effect on their preparedness for combat. The directive quoted above for 1971 itself recognizes the fact that involvement in martial law duties was at least one of the factors which came in the way of effective training. Only in regard to the new raising, i.e. 17 division and 33 division, was some collective training ordered to be carried out upto brigade group level.

We are informed that on the eve of war in 1965, whether as a matter of design and foresight or merely because the time schedule happened so to work out, there had been effective training of a collective nature and that the army was, therefore, comparatively in a much better state of preparedness. As Gen. Yahya himself has told us, the size of the army that he commanded was twice that under the command of Gen. Ayub Khan or Gen. Mohammad Moosa later, but in terms of equipment, the general said, he was by no means, as well off as his predecessors. It would seem that in terms of training also the increased army was not in as good a shape as the army just before the 1965 war.

19. In regard to the navy we have not examined the state of their training in as much detail as we have in the case of the army. Nevertheless, there is before us material upon which the general state of the training in that branch of service can be adequately summarised.

20. The flotilla was fairly worked up in individual and collective exercises, within the limits imposed by necessity of balancing the periods in which ships could be kept at sea and in time allowed for maintenance in view of their age. However, certain matters left something to be desired. The command and control organization from maritime headquarters was not satisfactory. Little attention had been paid to cooperation between the navy and the airforce, specially in regard to the matter of identification of ships by the airforce. The fiasco, which resulted in the bombing of one of our own ships by the Pakistan Airforce, was at least in part due to the inability of Airforce pilots to recognise ships of our own navy. Another reason for it was some degree of confusion in maritime headquarters.

Finally we do not feel that there had been sufficient training of submarines for such specialized operations as mine laying.

21. The airforce has a proper system of training and refresher courses in various kinds of flying duties and only pilots who have undergone these and are presently conversant, by practical experience, with the kind of duties which they would be required to undertake in war-time, are designated "operational".

Evidence led before us shows - and we have no reason to doubt in - that on the eve of the war all their pilots were in fact operational and in good physical trim. In addition, Fighter Leader Schools had already been re-established in 1969 to improve advance training and tactics. Quite a few pilots had also been sent out to friendly countries in the Middle East for training and experience on types of aircraft used by the Indian Airforce, e.g. the MiG 21, SU 7 and the Hunter. In anticipation of the war, Fighter Leader School was asked to give lectures on gunnery and advance fighter tactics and all pilots, who were in training units were given short refreshers on operational aircraft to ensure that they were current with the aircraft. We have had, therefore, no reason to feel dissatisfied with the training and fitness of the airforce personnel on the eve of the 1971 war.

22. We turn now to an examination of the preparedness of the forces as to the material state. In the matter of armour the army was equipped with mixture of the new Chinese tanks and the old American tanks. Generally the holding formations had the American tanks, i.e. the M-36 (Sherman) and M-47/48 (Patton) tanks, while the armoured divisions had new T-59 Chinese tanks. A statement of total regiment is annexed to this chapter showing the state of armour.

23. The artillery available to the army had equipment originating from a number of countries, namely, America, England, France, Russia, Italy and China. Inevitably this multiplied the problem of training, maintenance and ammunition and weakened our state of preparedness in all these aspects.

24. We suffered also from a gross deficiency in anti-aircraft artillery, which was inadequate for protection of our vulnerable points and areas, vital industries and communication systems and indeed did not meet even the requirements of the armoured forces themselves. The problem arose also of changing the artillery of 33 division in 2 corps just about a month before the commencement of war, as the tyres of its guns were found unsuitable for the long distances involved in the role assigned to this formation. It also resulted in the need for the re-calibration of the guns though fortunately this problem was solved just in time.

25. On the engineers side the most crucial shortages were as follows:

5. The most critical shortages were as follows: -

- a) **Bridging and Rafting Equipment.**— The procurement of the Hollow plate and M-2 bridging equipment planned was much behind schedule, and hence there was a serious shortage. With great difficulty, the bare minimum requirements of the main offensive force were met.
- b) Bomb-Disposal Equipment was in short supply, which resulted in unsatisfactory performance of BD teams organised during the war.
- (c) **Mines.**— As against the targets of 20-25 lakhs each for anti-tank and anti-personnel mines, only about 5 and 11 lakhs respectively were available before the war. The result was a major weakness in the defensive capability of our holding formations.

6. There were serious imbalances of engineer support in the formations. This was, to some extent, made up by pulling out engineer battalions employed on Karakoram Highway. Two engineer battalions were withdrawn from the new divisions sometimes in the middle of 1971 but four were pulled out just about a month before the war. Having been employed for long durations on a purely civil work, these units were not fully trained for essential operational tasks during the war. Also sufficient equipment was not available to fully re-equip them."

26. Essential signal equipment more especially in the field of electronics and field cable were also in short supply. It is true that the very bare minimum requirements of war could be met but this can hardly be regarded as a satisfactory position.

27. As to weapons for infantry there was generally an acute shortage of 106mm Recoilless rifles used for the purpose of anti-tank defence. The authorization is 8 such rifles for each battalion, but they were not more than 6 and sometime as few as 4 in every battalion and these included a number of short range 75mm Chinese Recoilless rifles.

28. There was also shortage of 3-inch or 81mm mortars as against an authorization of 6. Some of the newly-raised battalions could be issued only 3 such mortars.

29. Because the G-3 rifle was now being produced by POF Wah, the large number of American M-1 rifles were supposed to have been phased out, but were, nevertheless, still in use in three divisions in West Pakistan. The older calibre of point 303 was also in use by the civil armed forces. Although, therefore, for the greater part the G-3 rifle was being used as standard equipment, the others, which we have mentioned, were also in use; the multiple calibres created the obvious problem of ammunition supply.

30. As a result of these deficiencies in weaponry the efficiency of the units for offensive as well as defensive purpose generally suffered.

31. There was also critical shortage of vehicles in the army particularly the four wheeled-drive types which were essential for operation in certain areas. The emergency having been declared a large number of civil goods transport vehicles were requisitioned. Apart from the fact that this caused serious dislocation in the trade, there was also an inadequacy in the army which in one area at least contributed seriously to our reverses.

32. Even in the matter of equipment other than weapons- the position was extremely unsatisfactory. Particularly in regard to the additional one hundred thousand men inducted into the army during 1971, the supply of such items as blankets and personal clothing was woefully inadequate. This resulted in severe hardship to the troops affecting both their morale and combat efficiency. "General Staff Reserves 13. I had been planned to build-up a general staff reserve for fighting an 80 days' war. However, due to financial difficulties, drying up of certain supply sources abroad etc, there were serious deficiencies in some of the critical items included in the GS reserves. Some of the notables items in this regard were: -

- (a) **Tanks.**— There were practically no reserves. Even the old vintage Sherman tanks had been pressed into service to raise new units so as to remove the imbalances of the field army.
- (b) **Guns.**— The same can be said of artillery. There were practically no reserves left in the ordnance depots.
 - (c) Tank ammunition 30 days
 - (d) Field artillery ammunition 30 days
 - (e) Anti-aircraft ammunition 25 days
 - (f) Mortar ammunition 30 days
 - (g) Recoilless rifles ammunition 25-30 days
 - (h) Small arms and ammunition 60 days
 - (i) Petrol oil and lubricants (POL) 90 days

Note.— The above figures are approximate and have been calculated at intense rate of expenditure.

STATE OF ARMOUR 1971

		Regts	Sons	Eqpt
1	Corps	Corps	Recce	Regt
1	—	Sherman	8 Division	
	—	Do	15 Division	
1	—	(M-47/48)	8 Armoured Brigade GP	
4	—	Do	Corp Reserve	
3	3	(M-47 and Sherman	Army reserve North	6th Armoured division
5	—	T-59/55	17 Division	
2	Corps	Corps	Recce	Regt
1	—	Sherman	1 Armoured Division	
5	—	T-59	7 Division	
	—	—	33 Division	—
4	Corps	Corps	Recce	Regt
1	—	T-34	10 Division	
1	1	(Sherman)	11 Division	
1	—	(M-47/48)	25 Division	
1	—	(Sherman) 105 105	Brigade Group	—
1	—	Do	18 Division (Two Regts)	
1	—	Do	23 Division (One Regts)	
1	1	(Sherman)		
		(including Sherman		
		Tank buster squadron)		
TOTAL	6	4	T-34	1
	M—47/48	6	1	—
	T—59/55	11	only one regt of T-55	
Total	24	5	0	

33. An aspect of preparedness which concerns the airforce but involves also the army might be mentioned. There was from the point of view of the airforce an obvious need of forward airfields and for this purpose the airfields at Okara and that of Jacobabad needed to be put in a state of readiness. So far as the former is concerned the army racing against time prepared the airfield and thought that they had done all that was required of them. The airforce, on the other hand, expected the army to lay on Ack Ack protection, sand bagged pens and also to provide for petrol oil and lubricants. It is a depressing reflection that while each service was willing to do its best neither fully knew the need of the other. On the question of the Okara airfield Gen. Abdul Hamid said that if the airforce wanted more all that they had to do was to ask general headquarters.

34. Similarly the army was under the impression that the air headquarters had agreed to activate Jacobabad airfield so that operations of the 18 divisions in Rajasthan could be supported and were confident that this must have been done. They were, therefore, surprised when the airforce said that they were quite unable to

support these operations. The airforce on its own part thought that they had made it clear to the army that they would need at least a week's notice before Jacobabad could be made ready. It does seem strange to say that the army should take it for granted that Jacobabad had been activated since a part of the necessary task was their own, namely, the dispatch of A.A. Artillery. Clearly in the matter of these two airfields there was not that degree of mutual consultation and awareness of each other's plans between Army and the Airforce, which alone could have made the operations successful.

35. Apart from these two airfields, however, the Pakistan airforce seems to have taken all other necessary steps in time to attain a state of full preparedness. All bases have been asked to disperse their aircraft and mobile observation units were deployed both in East and West Pakistan. In regard to the aircraft equipment and supply all the proper steps seem to have been taken. Aircraft in reserve depots were subjected to thorough inspections and where required, repairs carried out. The normal programmes of aircraft inspections were expedited and servicing schedules condensed so as to reduce the time needed from 13 to 3 days. Serviceable spare engines were dispatched and pre-positioned according to their war time deployment. Repair and salvage teams were formed from the maintenance depot and placed at the operational units, i.e. Sargodha, Peshawar, and Masroor.

36. The matter of supplies were also properly looked after. Fuel tankage at all bases were brought up to and maintained at 90% level. All explosives including bombs, rockets etc. were properly positioned. Such mobilization reserves items as tents, utensils etc. were issued to bases.

37. From July onwards general measures required for war were taken, i.e. all Ack Ack was properly deployed on bases, operation rooms set up at the bases and aircraft ordered to fly with guns loaded.

38. As we have already seen reservist airmen were recalled in time and pilots on deputation abroad were also recalled. The only step which, we think, ought to have been carried out, but was not, was a full-scale exercise involving all air defence elements, i.e. the radars, mobile observations units and SOC's. These elements had no doubt been exercised individually and were serviceable but collective training had not been carried out. Except for the matters that we have specifically mentioned, therefore, we have come to conclusion that the Pakistan Airforce was in a proper state of preparedness.

19

EVENTS IN EAST PAKISTAN PRECEDING INDIAN INVASION

On 25th March 1971 negotiations in Dacca, although not formally called off, for all practical purposes, broke down or at least came to a deadlock. The Awami League had presented their draft Proclamation and their General Secretary Mr Tajuddin, had stated to the press that they had made the final proposals, it being now for Gen. Yahya to accept or reject them. Most of the leaders, with the notable exception of the Pakistan Peoples Party, had left and the General himself left Dacca stealthily on the evening of the 25th.

2. At 1 am on the night between the 25th and 26th military action was taken in order to restore law and order and to regain control of the administration which during the period 1st to 25th March, 1971, had been completely lost to the Awami League. The propriety of taking this action, or rather the wisdom of abstaining so long as to make this kind of action necessary has been considered elsewhere and our present purpose is merely to review the events that preceded the Indian invasion on the 20th November 1971. It does seem that the Awami League was planning some action on its own part at 3. A.m. and it may well be that in determining the time selected by the army this information was a factor. On the other hand, the Awami League also appears to have had a good intelligence system. The very first step taken namely to attempt the arrest of the Awami League leaders was an almost total failure; none of the leaders could be found with the exception of Shaikh Mujibur Rahman himself who seems more to have courted arrest than to have failed in an attempt to escape in that he was found at his own residence and made no attempt to elude arrest. All the others went underground and managed to cross over to India with the single exception of Dr. Kamal Hussain who was apprehended a few days later.

3. Considerable progress was made during that night in controlling the situation in Dacca. Almost the first step taken was to switch off all the civil telephone exchanges at about 2 a.m. At that time also action was taken to comb the Dacca University Campus, a centre of political activity, where a considerable quantity of arms and ammunition had been collected. The Army was answered by rifles and shot gun fire and stiff resistance was offered but after a struggle of about three hours, the area was finally secured by about 5 a.m.

4. At 2.30 a.m. the East Pakistan Rifles at Pheelkhana were disarmed. Here again there was, as was to be expected a fair degree of resistance, in the course of which Major Rab, an officer on secondment to the East Pakistan Rifles, and five other East Pakistan Rifles personnel were killed. Some personnel, however, made good their escape with a quantity of weapons.

5. The Reserve Police at Dacca was also disarmed at 3 a.m.; this force also suffered some casualties in the course of resistance offered by them.

6. Curfew, of course, was imposed in Dacca and other towns and house searches, presumably for weapons and in pursuit of leaders sought to be arrested, was carried out. During one of them Ex-Lt. Commander Moazzam, one of the persons accused in the Agartala Conspiracy case, was killed.

7. The situation in Dacca swiftly returned to normal and government was once again in full control of the civil administration.

8. For Chittagong 20 Baluch was directed to secure such places of vital importance as the radio station, the telephone exchange and the Central Armoury, which had a stock of over 18,000 rifles. On its way to Chittagong this battalion was intercepted by some posts established by 8 East Bengal and East Bengal Regimental centre and there was, consequently, some fighting in which both sides suffered casualties, which included Lt.-Col. M.R. Chodhry of the East Bengal Regimental Centre. However, by 12 noon on the 26th March the Centre was disarmed. In the meantime, Brigadier M.H. Ansari, Commander Logistic Area, who had come to Chittagong to unload ammunition from a stranded ship, heard of firing rushed up with a platoon strength and some naval ratings and managed to secure the Chittagong air-field.

9. The "Shafi Force" had been ordered to move from Comilla and the Navy alerted to support it. It was met by rebels, 13 miles short of Chittagong on the 28th. Ansari force moved to link up with 20 Baluch and also met with resistance from 8 East Bengal. Fighting continued, in the course of which both the Navy and the Airforce played a part and eventually, by the 4th April, Chittagong was under effective control. However, there was still rebel pockets and positions had also been taken by some of the rebels in the outskirts of the town.

10. By the end of the first week in April the situation could be thus summarised: (1) in Dacca Sector, Mymensingh and Narsingdi were under rebel influence, (2) in Jessore sector, only the urban areas of Jessore and Khulna were under control, (3) In Rangpur Sector only the towns of Rangpur, Saidpur and Rajshahi were under control, (4) Tangail, under rebel control till 3rd April, was brought under control some time after.

11. By this time, of course, the bulk of the East Pakistan elements had defected. We have specifically mentioned some above but by and large it may be stated that out of the approximately 17,000 personnel about 4,000 were disarmed while the rest had joined the rebels together with their weapons. Most of the police also followed the same course.

12. Gradually thus the army regained control over increasing areas which had been under rebel control or influence. A series of operations had to be carried out in each sector, and of course, in the course of this casualties of necessity were inflicted. The entire operation was not, however, merely a matter of mopping up by armed military troops against unarmed people.

There was more or less organized resistance throughout. As we have already seen defections of East Pakistan personnel had resulted in the loss also of quantities of arms and ammunition which were used against the army. There is no doubt also that ammunition had been built up during the earlier period when the government was exercising virtually no control and it is equally clear that throughout this period India was at least secretly helping to supply arms. However, by about the beginning of May it could be claimed that all district headquarters, sub-divisional headquarters and major towns at least had been cleared. The main supply routes within the province, including roads, railways and waterways were again in operation. In some measure also infiltration had been checked, though not stopped. The emphasis till then had been on sealing the main border approach from India with the consequence that infiltrations had been minimised, but nevertheless continued to occur. No until the end of May could it really be said that the province was largely under control. Even this, however, is not to say that ordinary peace time conditions had been restored in which the government was in full control. It is more correct to say that having, by stringent measures, got the upper hand the army was largely able to enforce its will throughout the province.

13. Before the military action of 25th March 1971, Indian intervention was mainly a matter of help from across the border in the shape of supplying arms ammunition. This, of course, helped the rebels not only in

getting arms but also in disrupting the communication system by damaging the roads, railways and bridges, Mukti Bahini, the volunteer guerillas, came into existence and found full support from the Indian elements which not only trained it on its own soil but also armed and launched it for paralysing the normal life in East Pakistan. As many as 33 rebel training camps were identified around East Pakistan in the month of July. Each camp, having a strength of 600 to 1,000 trained soldiers, were under training. It is estimated that more than 1,00,000 East Pakistanis, mostly Hindus, joined this force and effectively infiltrated into East Pakistan both before and during the Indo-Pakistan War of 1971.

14. After the military action India stepped up her help to the rebels and its involvement started assuming new dimensions. Rebel training schools started operating within our borders. For instance 157 trainees are reported to have been trained in a school at Teliapara PM 5273. Instructors used to come to the school from across the border in the morning and return by sunset. Logistic support to the school was also provided by India, while large bunkers were made under bamboo huts for storage of arms and ammunition. Incidentally Teliapara is the home village of Col Usmani.

15. From April onwards India started minor border attacks. On 10th April, 1971, for example, two members of the Indian Border Security police were captured and, on interrogation, yielded the information that two of their platoons had taken up defensive position in the north about four miles within Pakistan territory. By the end of April rebels were even strong enough at certain places on account of Indian help to attempt attacks on Pakistani positions. For instance on 22nd April 1971 they attacked our positions at Nabharam. Again on 24th and 25th April they made two counter-attacks which were repulsed.

16. The rebels were also considerably helped by money which they had looted from Pakistan areas once under their control. It is estimated that in this fashion about Rs30 crores had been taken to India. Losses of manpower among the rebels are estimated at about 25 per cent and the bulk of the forces, therefore, was able to cross over to India where it regrouped, reorganized and trained under the guidance and with the assistance provided by India.

Rebel bases were established all along the borders where systematic training was being imparted and where recruits were being constantly inducted into the rebel army known as "Mukti Bahini".

17. India, of course, had even by the end of February, 1971 concentrated a big force in the province of West Bengal pretending that it was needed for internal security duties occasioned by the elections that were then being held. However, even after the elections were over, so far from these troops being withdrawn additional troops moved in towards the border of East Pakistan and these were supported by mountain and parachute brigades, fighter bombers and air transport units. More aircraft were also concentrated in airfields near the border. In addition to these, additional battalions of the BSF were also brought in raising this force to about 25 battalions.

18. During March, 1971 political statements more or less recognizing the existence of a country called 'Bangladesh' and promising support to the rebels were being made by persons in position of responsibility and authority. For instance the deputy chief minister of West Bengal stated that they recognized 'Bangladesh' even though the central (Indian) government had not yet done so. The Indian houses of parliament themselves passed a resolution on 30th March 1971 which, although it did not recognise 'Bangladesh, nevertheless assured the secessionists that their struggle would receive the whole-hearted sympathies and support of the people of India.

Many such statements can be quoted. Suffice it to say that India's open support to Bangladesh had started immediately after the military action even though her open physical intervention came much later.

19. From June onwards India indulged in several comparatively minor attacks on the border. These were probably with the intention partly of harassing Pakistan army but mainly with a view to keeping them occupied fully on the borders so that the rebels could have a comparatively free hand in the interior. For instance on 16th June Indian armed personnel machine-gunned and shelled Pakistani areas near Benapole.

There were several instances on 17th, including one in which the border outpost at Kamalpur was subjected to firing by small arms twice causing the death of two persons and injuries on some others. On 21st June India commenced shelling of various border areas of the province. On 3rd July the Indian airforce planes strafed the Amer Khana area in Titulya Salient. Again from 2nd to 5th August Indian troops and rebels jointly attacked Bhurangamari in Rangpur district.

Such incidents continued and went on increasing both in frequency and intensity. By September 1971 India had completed her concentration of regular troops along the East Pakistan borders.

20. During October and the first half of November, 1971 India stepped up her activity even further. So far there had been shelling of Pakistan territory, hit and run attacks on border outposts, comparatively minor border skirmishes and so forth. During this period, however, India physically attacked and occupied such Pakistan territories as they could without full-scale war. These included the occupation of Titulya Salient (Dinajpur district), the northern half of Belonia salient in the Feni district and also the area astride Kassalong Khal in Rangamati district. On 31st October they also attacked the Dhalaj position in southern Sylhet. With this prelude India was ready to launch an all-out attack with regular forces which she did in several areas on 20th and 21st November 1971.

20

NARRATIVE OF EVENTS IN EAST PAKISTAN FROM 21ST NOVEMBER TO 3RD DECEMBER, 1971

On the night of 20th and 21st November 1971, the Indian army openly launched an attack with one infantry brigade supported by armour and airforce in the Jessore sector.

Simultaneously attacks of lesser strength were also launched in other sectors in East Pakistan borders with India. Though the Indian government still claimed that the offensive had been undertaken by the Mukti Bahini, it was clear from the composition of the forces and the magnitude of the encounters that the Indian regular forces had blatantly invaded into Pakistan's territory. This involvement of the Indian armed forces was also subsequently admitted by the Indian prime minister by the announcement in the Indian parliament that her forces had now been granted permission to enter East Pakistan in 'self-defence' and that the tank advance on Sunday 20th November was aimed at pushing back Pakistani forces who threatened Indian defensive positions in the Boyra area north of Calcutta and opposite Jessore in East Pakistan. (vide Pakistan Times of 26th November 1971).

2. It is not possible at this stage to give a very accurate account of the battles developing in East Pakistan from this day onward, as neither the key personnel concerned with these operations nor the relevant documents, such as war diaries, final orders, instructions, minutes of conferences, etc. held immediately before or during the war, are now available. Information gathered from the situation reports initiated twice a day by the headquarters, eastern command, for general headquarters, headquarters chief martial Law administrator, or headquarters National Security Council and the president, however, reveal the following situation sector-wise: -

(A) JESSORE SECTOR

3. This sector comprised the civil division of Khulna and the district of Faridpur (all areas south and west of rivers Padma and Meghna). This was the area of responsibility of the 9th division commanded by Maj-Gen Mohammad Hussain Ansari. He had at his disposal the following formations and units on 20th November 1971:-

- (a) 57 brigade; Mehrpur-Darsana-Jhenida-Faridpur.
- (b) 107 brigade; Jessore-Satkhira.
- (c) 314 (A) brigade ad-hoc headquarters with one wing of EPCAF area including Khulna and south.
- (d) Headquarters CAF Barisal for internal security of districts of Barisal and Patuakhali.
- (e) 3 Independent Armour Squadron (M-124 Chaffe tanks)
- (f) CAF-3 wings (EPCAF).

The headquarters of this division, which was initially situated at Jessore, was shifted to Maghura just before 20th November 1971.

4. The Indians attacked in this sector with the following forces: -

- (a) Headquarters 2 corps — Krishannagar
- (b) 4 Mountain division (3 brigades) — Plassey-Berhampur area.
- (c) 9 Infantry division (3 brigades) — Ranaghat-Bongon area.
- (d) 50 para brigade group at Barrackpur.
- (e) 45 Cavalry (PT-76 tanks) under command of 9 division.
- (f) BSF — five battalions.

The attack launched by the Indians on this sector was mainly directed at the capture of Jessore. It moved from the northern flank, i.e. from the direction of Chuagacha. It came in brigade strength (350 brigade ex-9 division) supported by a squadron of tanks and a squadron of IAF planes. It commenced after a heavy concentration of artillery fire and over-ran our border posts near Shahzadpur, Mashia, and Charabari.

The enemy also succeeded in capturing Fatehpur but was halted on the line of the Kobadak River in front of Chuagacha and Garibpur. The enemy, however, regrouped and renewed its attack against Chuagacha, which fell on 21st November after being vacated by our own troops. The enemy advance was, however, finally halted on the line of Arfa.

5. In this encounter a number of tanks from both sides were knocked out but it was observed that our M-124 tanks were no match for the Indian PT-76 which could out-gun as well as out-manoeuvre our tanks. Our own 3 Independent Armour Squadron suffered heavily and after one or two more encounters ceased to be a fighting unit. In the air also we lost two F-86 planes against one plane lost by the IAF, on 22nd November 1971.

The 9th division headquarters, a Maghura was also struck by the Indian airforce on 21st November 1971.

6. Throughout the next day, i.e. 22nd November 1971, the Indian guns continued to shell continuously on Jessore cantonment and airfield as a result of which air traffic had to be suspended. On 23rd November the Indians launched another attack on Benapole border post but this was repulsed. The Indians, however, captured Jibannagar on 26th November and infiltrated into Darsana with the Mukti Bahini on 2nd December. Darsana fell on 4th December. Mehrpur, which was constantly under attack from 22nd November, fell on 8th December 1971.

7. In Khulna Port a Greek ship, called Criso-vo-Lando, was sunk after hitting a seamine planted in the Pussar river by Indian frogmen on 23rd November 1971.

(B) BOGRA-RANGPUR SECTOR

8. This sector comprised the civil division of Rajshahi situated on the west of the Jamna river and north of Padma River. It was the area of responsibility of the 16th division commanded by Maj-Gen Nazar Hussain Shah with headquarters at Natore. This division had the following troops at its disposal at that time: -

- (a) 23 Brigade: -Dinajpur-Rangpur-Lalmunirhar-Thakurgaon.
- (b) 205 Brigade: -Hilli-Bogra-Gaibanda.
- (c) 34 Brigade: -Rajshahi-Pabna-Sirajganj.
- (d) 29 Cavalry (M-124 Chaffe tanks): - Rangpur.
- (e) CAF-5 Wings (EPCAF).

9. The enemy strength against this division was as follows: -

- (a) Headquarters 33 corps: -Siliguri.

- (b) 20 Mountain division (3 brigades) in area Balurghat- Raiganj-Islampur.
- (c) 6 Mountain division (3 brigades): -Jalpaiguri-Binaguri.
- (d) 340 (independent) mountain brigade: - Balurghat.
- (e) 71 Brigade (ex-8 mountain brigade): - Cooch-Bihar.
- (f) 63 Cavalry (PT-76 tanks): -Jalpaiguri.
- (g) 69 Cavalry (PT-76 tanks): -Raiganj.
- (h) BSF-9 battalions.

10. In this sector the Indians launched a two-pronged attack on the 20th of November 1971, supported by artillery and advanced in the Bhurangamari Salient (east of Tista River in Rangpur district). It captured the area upto Nageshwari where they were halted by our troops. The pressure against Nageshwari was, however, maintained by the enemy, as the objective appeared to be to capture Lalmunirhat where an airfield was situated. Another enemy battalion moved from Titulya side and attacked our position near Pachagarh. These two attacks were, however, of a subsidiary nature, as the major offensive by a brigade group supported by a squadron of tanks was launched on 24th November 1971, against Naupara position in the hilly area. This attack was also preceded by intensive artillery shelling and the strafing of our positions by fighter aircraft. The enemy at first succeeded in capturing some area but its advance was finally halted by stiff resistance given by 205 brigade. The main offensive having thus been halted the enemy increased its pressure against Pachagarh from the north made repeated attacks supported by armour on this position on 27th and 28th November, 1971, and finally captured it on 29th November, 1971, after suffering very heavy losses. (7 Marhattas lost 300 dead on 27th November). Thereafter, the enemy thrust on with its advance towards Thakurgaon which was contacted on 4th December 1971.

(C) MOMENSHAHI-DACCA SECTOR

11. This sector, which comprised Momenshahi, Tangail and Dacca districts (area between Jamuna and Meghna rivers), was the area of responsibility of 36 (A) ad-hoc division. This division consisted mainly of EPCAF units and small number of regular units under the command of Maj-Gen Mohammad Jamshed director-general EPCAF, the troops at its disposal were as follows: -

- (a) Headquarters 36(A) division (HQEPCAF) Dacca.
- (b) 53 brigade (3 battalions) at Dacca upto 20th November (later moved to Feni).
- (c) 93(A) brigade (two infantry battalions): - Momenshahi- Jamalpur.
- (d) CAF-6 Wings (3 wings EPCAR, 3 wings West Pakistan rangers).

12. The Indians had against these forces in the area the following troops: -

- (a) 95 Brigade (ex-8 division)
- (b) 63 Brigade (ex-7 division)
- (c) 2 BSF battalions in Garo Hills against Momenshahi district.

13. In this area Tangail the Madhupur forest and the Munshiganj sub-division of Dacca district were the strongholds of the Mukti Bahini whose activities increased rapidly from 20th November 1971. They blew up a number of roads and railway bridges and attacked numerous police stations.

14. On 21st November one Indian brigade supported by a large number of Mukti Bahini attacked our border outpost at Kairatola. This attack was repulsed but the Indians mounted another attack on 22nd November but again met with no success. Then they launched an attack on the Kamalpur post on 29th November and surrounded it. Reinforcements received from Dacca managed to relieve this post by breaking the enemy cordon but the enemy maintained its pressure and finally captured it on 4th December 1971.

15. Bengali elements of the EPCF deserted in large numbers in this area and joined the enemy.

(D) SYLHET-COMILLA SECTOR

16. This sector was the area of responsibility of the 14th division, commanded by Maj-Gen Kazi Abdul Majid. It has the following formations at its command: -

- (a) Headquarters 14 division #œ #Main headquarters at Dacca but tactical HQ at Bhairab Bazaar.
- (b) 27 Brigade ##Kahura-Brahmanbaria.
- (c) 117 Brigade # Comilla.
- (d) 313 Brigade # Maulvi Bazar-Shamshernager (south Sylhet)
- (e) 202 (A) Brigade — ad-hoc formations #Sylhet-Zakiganj- Tahirpur (North Sylhet)
- (f) CA F-7 Wings (3 wings EPCAF, 3 wings Frontier Corps and one wing West Pakistan Rangers).

17. This force was opposed by the enemy's 14th division which consisted of the following formations: -

- (a) Headquarter 4 corps # #Agartala.
- (b) 8 division (3 brigades) Karimganj-Dharamangar.
- (c) 56 division (3 brigades and one armour squadron) Agartala-Khowai-Radhapur.
- (d) BSF 18 battalions (shared with 23 division).
- (e) Additional artillery units brought from 2 and 5 mountain divisions which were deployed on the Sino-Indian borders.

18. The Indians attacked on Zakiganj and Athgram in the Sylhet district supported by the Mukti Bahini and captured them.

On the next day they launched probing attacks on a number of outposts in Brahmanbaria and Comilla sub-sectors which were not only firmly repulsed but Chandrapur post, which had been earlier lost, was recaptured. In the north the Indians advanced towards Radhanagar and Tahirpur and captured the same on 28th November. Then they attacked Shamshernagar in the south of Sylhet on 30th November and captured it on the 1st of December. Thereafter, they commenced a simultaneous two-pronged attack on Sylhet both from the north and the south. The 56 Indian division also launched a two-pronged attack on Brahmanbaria sector on the night of 1st and 2nd December 1971, and was able to reach the railway line joining Sylhet with Comilla.

(E) FENI-CHITTAGONG SECTOR

19. This area, which included the Chittagong hill tracts, was the area of responsibility of two brigades, namely 53 brigade and 91(A) brigade, but after 20th November, these two sub-sectors were regrouped under one ad-hoc sector headquarters, namely, 39(A) division, under Maj-Gen M. Rahim Khan, now chief of general staff, Pakistan Army. The formations under this command were as follows: -

- 1. Regular brigades: -
 - (a) 53 brigade Feni-Laksham sector
 - (b) 117 brigade Commilla sector with one troop of old M-124 light tanks.
- 2. ad hoc brigades: -
 - (a) 97 ad hoc brigade — Chittagong and Chittagong hill tracts.
 - (b) 91 ad hoc brigade — Dhumghat, Axis Feni-Chittagong Axis Ramgarh-Chittagong (along Feni River)
- 3. Artillery
 - Two field batteries one motor distributed between various brigades.
 - Battery

20. The enemy forces against this area consisted of 23 division (3 brigades) operating under the command of 4 corps and had in its support additional artillery provided from the corps reserve and a number of BSF battalions.

21. This force had early in November occupied the northern part of the Belonia Salient in the district of Noakhali and had posed a serious threat to the line of communication connecting Chittagong with the rest of the province. To counter this threat 53 brigade moved from Dacca to this area but the enemy maintained its pressure against Feni and Ramgarh throughout and on 20th November, 1971, launched a brigade attack along the Kasalong Khal in the Chittagong hill tracts towards Rangamati. Although there was not much opposition to this advance by our own forces, the Indians were eventually halted by the Kaptai Lake near Rangamati.

22. During this period the Indian objective appeared to be the capture of a sizeable chunk of East Pakistan territory to establish the so-called Bangladesh government which was till then operating from Calcutta. Its most serious efforts had been made in the west towards Jessor-Rangpur where armour and airforce had also been used and its deepest successful thrust was in the Pachagarh-Thakurgaon area where the Indians had managed to penetrate upto a depth of ten miles. Most of the attacks were carried out by regular Indian troops supported by the Mukti Bahini but the enemy move was spread over, all along the border and was poised for advancing in almost all sectors.

23. The major effect of the Indian movements was to commit the entire forces under the disposal of the eastern command, including its reserves, all along the borders and thus to reduce its capability to offer strong resistance at any particular point in any strength. The forces under the disposal of the eastern command were straddled across the entire border divided into penny packets and were so heavily involved that they were in no position even to extricate themselves so as to withdraw and form a shorter line of defence taking advantage of the natural obstacles available in East Pakistan in the shape of the large rivers.

24. The possibility of the enemy launching an offensive against East Pakistan either in isolation or in conjunction with an attack on West Pakistan had been foreseen by the GHQ and operational instructions issued to eastern command upon the hypothesis that the most probable and dangerous effort that the enemy would mount would be in the Bogra sector directed on the Hilli-Gaibanda neck and finally aimed at the capture of Bogra. It was also considered possible that the enemy would make an alternative effort against Bhairab bridge-Daudkandi-Chandpur area, and in order to meet these possible threats the eastern command had formulated the following operational concept: -

- (a) The main defensive manoeuvre to be undertaken in areas west of river Jamuna-Padma.
- (b) Forward defensive posture to be adopted.
- (c) Immediately on commencement of hostilities, offensive to be launched to wrest initiative from the enemy. For this purpose two task forces were to be created, one in area Mymensingh- Jamalpur and the other in area Maulvi Bazaar, for capturing opposite Indian territory.
- (d) Strong mobile reserves to be placed at Aricha both in the offensive and defensive role.
- (e) Secure all lines of communications and vital installations and the maintenance of law and order by Mujahids, police and Razakars.
- (f) Each sector to be made logistically self-sufficient for 30 days.

25. These operational plans, it will be noticed, did not provide for any withdrawal movements for the "defence of Dacca at all costs" as required by the mission assigned to the eastern command under the operational instructions issued on 15th July, 1971 by the GHQ.

26. No such withdrawal plan for the ultimate defence of Dacca was also envisaged by the GHQ at Rawalpindi. Indeed the retaliation contemplated was to launch offensives into Indian territory and wrest the

initiative from the enemy. The basic concept throughout appears to have been to deny to the enemy any portion of the territory of East Pakistan and thus to prevent it from setting up any government of so-called Bangladesh on any portion of East Pakistan. As subsequent events will show, this was a serious lacuna in our military planning, for which we had to pay dearly and lay down the arms of our forces, although our fighting forces in East Pakistan were almost intact. When the plan was at last modified and the eastern command was told in a series of signals starting from 3rd to 8th December to defend Dacca at all costs regardless of the loss of territory it was too late, for, regrouping was no longer possible.

21

ALLOUT WAR FROM 3RD TO 17TH DECEMBER, 1971

Intelligence reports had disclosed that the Indian army's central and command reserve formations had commenced movements from September, 1971, towards both the East and West Pakistan borders as a prelude to an open intervention in East Pakistan. Information had also been gathered that some of the Indian formations earmarked for deployment on the Sino-Indian borders too had been moved to augment the Indian military build-up against Pakistan.

2. Indian navy and airforce had also started making preparations for war. The navy had stepped up its activities in the Bay of Bengal and shifted its aircraft carrier to Visakhapat. The Indian airforce, too, had begun activating its forward air bases around both East and West Pakistan.

3. On our own side additional forces had been inducted into East Pakistan on and from 25th March, 1971, and the strength there had been raised up to 4 divisions, including an ad hoc formation mainly comprising EPCAF, all of whom were weak in artillery and only one regiment of tanks was available. Almost all these forces were from September, 1971, onwards committed in operations close to the borders in view of the heavy Indian concentrations along those borders and almost intermittent shelling of our border areas in support of guerilla forces trained in India and launched from Indian territories.

As already pointed out in the last chapter, by November the position had become so desperate in East Pakistan that there were practically no reserves available at any formation level in East Pakistan.

4. In West Pakistan there had earlier been a confrontation between our forces after the hijacking incident of 20th January, 1971 but the ground forces on the Indo-West Pakistan borders and the ceasefire line in Jammu and Kashmir had been later withdrawn, as a result of an understanding reached between the two armies with the assistance of the United Nations chief military observer in Kashmir. Nevertheless, some sort of alert was being maintained on the borders ever since and the formations remained in the proximity of their war locations. When India started building up her troops in forward positions from September, 1971, we in West Pakistan also moved our holding formations from their peace stations and brought them close to their battle locations except the 7th division, which remained up north in Peshawar area.

5. Our defence plans, which were formulated during 1967, were essentially of a defensive nature, but with the new situation developing in East Pakistan the necessity was felt for revising those plans. The service headquarters were asked to give suggestions in that behalf. Their replies, as pointed out in an earlier chapter, were, however, never considered and no changes or revisions of the war directive laid down in 1967 had been formally effected till the war.

On the basis of the previous prevailing assumption, however, that the defence of the East lay in the West, an army offensive plan had in fact been evolved in August-September, 1971. It was appreciated that in the event of an Indian offensive against East Pakistan there will be no option left but to launch a counter-offensive from the West with the aim of capturing as much sensitive Indian territory as possible.

6. This counter-offensive plan has already been critically examined in an earlier chapter. It is not necessary, therefore, to enter into its details over again. This GHQ directive was known as directive No 7/71 and its whole purpose was to counteract the Indians upon their intervention in East Pakistan which was apprehended and on reliable information was expected to be launched by 20th November, 1971.

On the basis of this information formations, including army reserves, should have been activated and placed in well forward positions ready to be launched into enemy territory on short notice. Our high command, it appears, was hesitant with regard to the opening of the western front.

7. The evidence that has come before us is to the effect that even after the attack had been launched by India nothing was done except for declaring an emergency on 23rd November 1971. This had no material bearing on the military operations at all. Actually the commander-in-chief and the president had not even bothered to visit the military operations room upto that date nor did he appear to be at all perturbed with the seriousness of the situation developing in East Pakistan.

The chief of general staff of the army and the commander-in-chief, air, actually dragged him to the operations room on 23rd November 1971, from Chaklala Airport where he had landed after a routine visit to the forces in the Sialkot area. Even at this time the chief of staff thought that the matter could wait till the next day, but the chief of general staff of the army and the commander-in-chief, air, insisted that it could not. After the serious military situation developing in East Pakistan had been fully explained to him in the operations room the president announced that he would give his decision for the launching of the planned offensive later. He did not do so, until 27th when he accepted the army plan subject to the modification that the launching of the main offensive by the army reserves was to be a command decision and would have to depend on the extent upto which the enemy would be involved. The decision to open the second front was actually taken on 29th but even then it was a tentative decision, for, the actual D Day had yet to be fixed.

All that was known was that it could be within the next two or three days. The final decision that it would be 3rd December was not known until 30th November 1971. It was communicated to the holding divisions in the evening of 2nd December and the commander-in-chief, navy, only got information of it through a code word, previously agreed upon given by the commander-in-chief, air over the telephone. The naval formations, which were already out at sea, and some of the lower formations of the army only came to know of it when the announcement was made over the radio that Indians had launched an attack on the western front, at about 1600 on 3rd December.

The D-Day thus came to be 3rd December and the H hour 1700. Our airforce made what has been described as its pre-emptive strike on the forward air bases of India located at Srinagar, Pathankot, Adampur, Amritsar, Halwara, Sirsa and Ambala. The airbase at Jaisalmer was, however, missed due to poor visibility.

8. The same night the holding formations of the Pakistan army also pressed forward and launched minor attacks in order to improve their defensive posture as per the tasks assigned to them. By this time East Pakistan, to save which the counter-offensive plan had been mainly designed, had already been under heavy pressure for 13 days, and the enemy had made advances into our territory all along the borders. With the opening of second front the enemy also stepped up its offensives in all sectors of East Pakistan. The Indian navy completely blockaded East Pakistan and the Indian airforce started bombing East Pakistan, in support of their ground operations, with some 11 squadrons. From the midnight of 3rd/4th December Indian bombers commenced raiding Dacca, Narayanganj, Chittagong and Chandpur. Their main targets were airfields, oil storage tanks, river crafts, shore installations and jetties. During the very first night the petrol dumps at

Narayanganj and the oil tanks at the refinery at Chittagong were destroyed. With only one operational airfield at Dacca and only one squadron of planes our own airforce put up a heroic battle. A number of enemy planes were downed both by our fighters and by accurate anti-aircraft fire over Dacca, but we lost three F-86 planes on 4th December 1971. The enemy aircraft returned before our planes had had time to refuel and take off. The Tejgaon runway was badly cratered and our own airforce was grounded. All efforts to repair the runway proved futile; for, as soon as it was repaired the enemy came back and again cratered it. The pressure was so great that after 7th December there was no possibility left of making Dacca airfield operational. This left the Indians with complete mastery over the skies of East Pakistan.

(A) WAR IN EAST PAKISTAN

9. On the ground also the Indian offensives gathered momentum with the support of the Indian airforce and the Mukti Bahinis. Our own troops, despite their difficulties, lack of air and artillery support and acute shortage of armour, hung on to their defensive positions to try to readjust them according to local tactical situation by forming fortresses. No attempt was, however, made or could be made to readjust the overall defensive posture in view of the rapidly deteriorating situation by strategic withdrawal movements. The situation, therefore, as it developed sector-wise, was as follows: -

(1) Jessore sector

10. On 5th December the Indians closed on to Jessore from the direction of Chugacha and Benapole and possibly captured it. The reports regarding the fall of Jessore are not very clear, for the situation reports, which continued to be received from the eastern command for the next few days, merely indicated that the situation was critical. It appears, however, that of the two brigades one, namely, 107 brigade, withdrew towards Khulna and the 57 brigade after fierce battles at Darsana and Mehrpur started concentrating in Jhenidia area from 6th December onwards.

On 12th December even this position, however, became difficult to hold and, as such, on 12th December while fighting a rear-guard action it managed to cross over Paksay Bridge over the Ganges and joined the 16th division fortress at Natore, Rajshahi districts. The headquarters of the 9th division with its divisional troops, which had earlier moved from Jessore to Magura, moved further back to Madhukhali on 8th December and then to Faridpur on 9th December.

(2) Bogra-Rangpur Sector

11. The Indian 20 Mountain Division launched a two-pronged attack, one from Naupara towards Dinajpur and the other from Pachagarh, and the forces, which were already advancing from Pachagarh towards Thakurgaon, launched an attack towards Pirganj to cut the road communications between Rangpur and Bogra.

Thakurgaon fell on 5th December and the Indian forces advanced towards Pirganj to join up with the 20th mountain division. The enemy subjected our defences to intensive artillery shelling and aerial strafing and bombardments using napalm bombs. On 8th and 9th December the enemy advance columns reached Pirganj between Rangpur and Bogra. Palasbari also fell on the same or the next day. Up in the north the enemy reached Tista River on 8th December and continued its advance towards Nawabganj, from the direction of English Bazaar. Between 13th and 15th December Bogra was reported to be under heavy pressure from the north but thereafter no further information came from the eastern command.

(3) Mominshahi-Dacca sector

12. The Indians kept up their pressure on the northern borders with intense artillery shelling and air strikes. They launched repeated attacks against our forward positions mostly manned by CAF personnel in Haluaghat and Durgapur. Our troops fell back to a line running from Jamalpur to Phulpur but were repulsed from there on 8th December. On 10th December our own 93 ad hoc brigade started concentrating in the area of Mominshahi and on 11th December commenced a rearward move to Dacca probably under the orders of the headquarters, eastern command. On their way back they saw the Indian's 50 para-brigade group landing in Tangail on 11th December. They tried to tackle with the para-brigade group but were not successful, as the Mukti Bahini were very active in this area. The commander of the 93 ad hoc brigade with his second-in-command and some men were reported captured by the Indians, but some 900 members of this brigade, consisting of all ranks, were able to trickle down to Dacca by 12th December, 1971. The last report received from the eastern command regarding this area shows that the Indians were moving in boats through Turag River towards Dacca.

(4) Sylhet-Comilla sector

13. The Indian offensive mounted in this area by the 57 mountain division with elements of the 8th and the 23rd mountain division and supported by the additional artillery from 4 corps and the Indian eastern command reserves had already succeeded in cutting the railway line between Akhura and Sylhet before 3rd December, 1971. Our forces attempted to hold it up there but on 5th/6th December the enemy launched a heavy attack on our own 27 brigade position. The gun positions at Akhura were overrun and the brigade after putting up a stiff resistance was forced to fall back on Tiitas Canal. The enemy, however, continued to maintain its pressure and was able to overrun the brigade's advance positions astride this canal by 9th December. After this the brigade fell back to Ashuganj and Bhairab Bazaar. The enemy's attempts to dislodge the brigade from there failed. The enemy thereupon on 9th December heli-landed two battalions in area Narsingdi-Malatia (in the rear of headquarters 14 division and 27 brigade positions at Bhairab Bazaar), and started a shuttle service to reinforce this area. In the next 3/4 days the enemy had built up more than a brigade strength by such heli-landed troops.

14. In Sylhet area our forces, namely, 202 (A) brigade and 313 brigade, fell back into Sylhet and organised it as a fortress. But on 7th, 8th and 9th December the enemy landed heli-borne troops and the situation became critical. Sylhet, however, continued to hold out till surrender on 16th December 1971.

15. In Comilla sub-sector the Indians attacked Mian Bazaar several times and captured it on 4th December. Lalmai was attacked between 7th and 8th December but our troops managed to hold it. On the night of 6th and 7th December the enemy occupied Jafferganj and started advancing towards Daudkandi on Meghna River. Comilla Garrison was thus bypassed and cut off from all directions. It, however, continued to hold on, in spite of heavy pressure and threats from Indians that if they did not surrender they would be handed over to the Mukti Bahini.

(5) Feni-Chittagong sector

16. This sector was the area of responsibility of the ad hoc 39 (A) division under the command of Maj-Gen. M. Rahim Khan. As we have already seen in the last chapter in this area the enemy was building up pressure from the Belonia salient as also moving along the Kasalong Khal into Chittagong hill tracts. After 3rd December the Indian 23 division launched an attack on our positions at Chuddagram which was held only by a battalion of our own 53 brigade. The enemy with its superior numbers succeeded in surrounding this position and also capturing Muzaffarganj. Thereafter, it captured Laksham and converged on Chandpur, the divisional headquarters. The commander with his headquarters forces abandoned Chandpur and reached Dacca on 6th December 1971, by a gunboat. This movement was unfortunately made during daylight and as a result strafed by enemy aircraft.

The divisional commander suffered some injury.

17. There is also some oral evidence that the rest of our 53 brigade managed to escape from the area towards Sylhet but this has not been confirmed by any documentary evidence. The Indian brigade, which was advancing along the Kasalong Khal reached the vicinity of Rangamati without any opposition but no evidence of the capture of Rangamati or of any further advance is available. It is possible that having reached the banks of the Capital Lake the enemy did not advance any further.

18. The evidence of those, who have managed to escape from Chittagong, is that the enemy was nowhere near Chittagong port even upto 16th December, 1971, although Chittagong port itself was blockaded by the Indian navy and subjected to intense naval bombardment on the night between 11th and 12th December, 1971. The Indian airforce, possibly carrier borne, also attacked Chittagong but several of the planes were knocked down by anti-aircraft fire.

The evidence, which we have received regarding the position of Chittagong, is that if there had been any agreement with Burma to allow transit to our troops, almost all the armed personnel situated at Chittagong proper would have escaped through Burma before the surrender. Indeed, a large number of naval personnel did manage to escape from there both by the land route and by sea. If some of the gunboats had not been scuttled, possibly more would have run the Indian blockade and escaped by the sea route.

19. One of such gunboats was placed at the disposal of Mr Fazlur Qadir Chowdhry who, with the help of hired sailors, managed to get out of the port but the sailors defected and landed him at Cox's Bazaar where he was taken prisoner.

20. The order for surrender, it appears, took the defence personnel at Chittagong port by complete surprise and there was considerable confusion as to the steps to be taken. At first they tried to scuttle all the ships but this move was later stopped and all defence personnel were asked to collect at the naval headquarters for surrender. Some, however, managed to escape between the night of 15th and the morning of 16th December, before the surrender order could be communicated to them officially. The Indians were possibly hesitating to enter Chittagong from the sea, as the approaches were mined.

(6) Dacca sub-sector

21. The Dacca sub-sector, which comprises the areas of Manikganj, Munshiganj, Narayanganj, Narsingdi, Tongi, Joydevpur, the Dacca city and the Dacca Cantonment areas, was not only the seat of the provincial government but also the headquarters of the eastern command. It served as the logistic base for the entire eastern command and had within its area the only operational airfield at Tejgaon where one squadron of PAF was located. Within this area was also situated the ordnance factory at Ghazipur and fuel and storage tanks at Narayanganj. It is flanked on the east by the Meghna River and on the west and south by Jamuna and Padma rivers, respectively. Smaller rivers like the Dhaleshwari, Turag, Bhuri Ganga, Balu Lakhya and Tongi also flow through the area in south and south-eastern directions.

It will thus be seen that all these rivers could serve as natural obstacles for defence against any movement towards Dacca from the east, west and south. Even the approaches from the north could be effectively obstructed along the upper parts of the smaller rivers.

22. The major approaches to Dacca were as follows: -

- (1) Tangail-Dacca road crossing river Turag and the Cantt area.
- (2) Bhairab-Dacca along the railway line.
- (3) Bhairab-Narsingdi along the railway line and then Noapara to Dacca city along a road.
- (4) Daudkandi to Dacca city across Meghna River to Narayanganj or Baidya-Bazaar and then by road to Dacca.

- (5) Aricha-Dacca along the road.
- (6) Chandpur-Dacca by river through Meghna, Dhaleshwari and Buri Ganga taking about five hours.

23. With regard to the resources available at Dacca the evidence is not very clear, but from what can be gathered from the evidence of Lt.-Col Mian Hafeez Ahmad, who was GSO 1 (training) at headquarters, eastern command, and left Dacca at 4am of 16th December, 1971, it appears that the eastern command could have mustered a strength of 30,000 men in the Dacca area capable of bearing arms including police, civil armed forces, Razakars and Mujahids.

24. The defence of the Dacca area was placed under the responsibility of Gen. Jamshed, director-general of East Pakistan civil armed forces, with an ad hoc divisional headquarters; 36 division. Amongst these 30,000 men he had about 900 regular troops, which had managed to reach Dacca from Mominsahi on 12/13 December, about 800 West Pakistan Police, 4 battalions of EPCAF, 4 companies of Mujahids, 5,000 Razakars, about 500 troops of various categories belonging to the airforce, an anti-aircraft regiment and 4/5 companies of industrial security force, which had been recruited from West Pakistan, consisting mainly of tribesmen and retired army personnel. The police, the *razakars* and Mujahids were armed only with rifles and were not even trained in the use of automatic weapons.

25. So far as artillery is concerned, it appears that it had available to it one ACK-ACK Regiment having about 44 ACK ACK guns which could also be used on the ground. Apart from this, they had four heavy mortars and four six-pounders. There was no death of automatic weapons or rocket-launchers or recoilless rifles.

26. As regards ammunition there was no shortage except that the ACK ACK ammunition supply was sufficient only for 15 days. The rations for the garrison at Dacca, according to this witness, were sufficient for 45 days.

27. According to the estimates prepared for us by the defence service representatives the total armed personnel available at Dacca the time was as follows: -

Regulars:

- | | |
|---|-------------|
| (a) Army, all ranks including non-combatants | 4 to 5,000. |
| (b) Navy, all ranks approximately | 150 |
| (c) Airforce, all ranks approximately | 500 |
| (d) Civil armed forces: - | . |
| (1) EPCAF | 4,000 |
| (2) Razakars | 7,000 |
| (3) Mujahids | 5,000 |
| (4) West Pakistan Police | 2,500 |
| (5) Industrial and V.P Security Forces | 1,500 |
| (e) Apart from the above between 12th and 13th December 1971, some infantry elements of 93 ad hoc brigade (approximately 900) joined Dacca Garrison on withdrawal from Momensahi. The non-combatants, we are told, can in an emergency bear arms. | |

28. The defence plans for Dacca, under the responsibility of Maj-Gen. Jamshed, were drawn up on 7th and 8th December in roughly two layers: -

- (1) Outer-circuit. - Comprising Joydevpur, Narsinghdi, Ghorasal, Narayanganj and along Dhaleshwari River on the other side of Jingira island. This ring also covered Manikganj, Aricha, Mirzapur and Munshiganj.
- (2) Inner circuit. - This comprised Tongi Dacca Cantonment, Tejgaon and airport.

29. According to the evidence available both these circuits were dug-in and manned. Even the situation report received from the eastern command on 13th December 1971, disclosed that the defences of Dacca were "well-organized and determined to fight out". This is also supported by the evidence which has now been adduced before us.

30. By 7th December 1971, the Tejgaon airfield had been put out of action and the PAF squadron grounded. This gave the enemy complete superiority over the air but its ground forces were still well away from Dacca. The Indian airforce, however, continued to intermittently raid Dacca and surrounding areas, concentrating mainly on steamer ghats and roads. The government house and several civilian buildings, including an orphanage, were also bombed at Dacca.

31. The main events, as far as they can be gathered from the information now available, developed as follows: -

- (1) 10th December. - Heli-borne Indian battalion reported landing at Narsingdi. Troops sent out to search for them could make no contact. Messages from Governor, Maj-Gen. Rao Farman Ali to the secretary-general of the United Nations urging negotiations for ceasefire in East Pakistan with political settlement.
- (2) 11th December. - Para-brigades reported dropped south of Tangail; 93 brigade ordered to withdraw from Mominshahi to Dacca. EPCAF company at Narsingdi eliminated by Indian troops. Arrangements for occupation of inner ring of defences finalized.
- (3) 12th December. - Indian airforce raids over Dacca intensified. Indian radio also started psychological war. Message from CGS Pak Army intimating headquarters eastern command of arrival of white and yellow help soon.
- (4) 13th December. - UN aircraft evacuated foreign nationals from Dacca under arrangement with India. No air raids on Dacca till 1530 hours. The 93 brigade group started trickling into Dacca. The eastern command reported defence of Dacca "well-organized and determined to fight out". The US military attaché established contact with headquarters eastern command.
- (5) 14th December 1971. - Joydevpur ammunition depot damaged by Indian airforce. Governor's house also hit. Enemy reported advancing towards Dacca from Tangail, Narsingdi and Chandpur. Indian airforce raids intensified. Chief of staff, Pakistan Army, in a message (140035 E) urged commander eastern command, to hold out till the UN resolution for ceasefire is passed, but after president's message (No.141332), sent unclassified, ordered eastern command to take "all necessary measures to stop fighting and preserve the lives of"
- (6) 15th December 1971. - BBC announced that India had agreed to ceasefire at Lt-Gen Niazi's request from 1700 hours to 0900 hours on 16th December, the chief of staff, Pakistan Army, sent message to eastern command (No.152350 E) suggesting acceptance of terms by the chief of army staff, India.
- (7) 16th December 1971. - The commander, eastern command, contacted Indians through the US military attaché's wireless set. At 1230 hours Indians started arriving Dacca by helicopters. The surrender ceremony was held at 1600 hours.

32. In other parts of this report we have discussed about the exchange of messages between eastern command and the president and/or general headquarters, but the question now under consideration is as to whether upon the military picture emerging from the narration of events given above the surrender was justified? — In the absence of the commander, eastern command, the governor, East Pakistan, and other key military personnel, who are now prisoners of war, it is difficult to announce a final verdict, but as far as can be gathered from the military situation it appears that the enemy forces had till then not come into contact

with our defences in and around Dacca. The nearest, they were reported to be was Narsingdi, some 15/17 miles away.

Militarily the situation in Dacca, as disclosed by the evidence before us, was not so desperate as to justify an immediate surrender. It is possible that the Indians could have been held at bay for a few days more but situated as our troops were in East Pakistan they had no possibility at all of avoiding a defeat.

With the Mukti Bahini becoming more and more active behind the lines and even the civil population now, realising that the Pakistan Army was facing a defeat, turning hostile, there was no question of the Pakistan Army being in any position to extricate itself from the ring which would ultimately have been thrown around it in another few day's time by the advancing Indian forces. The forces concentrated at the borders had already been boxed up in their fortresses and the same fate would inevitably have befallen the garrison at Dacca.

In this state of affairs there were only two alternatives open to the commander of the eastern command namely; either to die fighting to the last man and the last bullet and create history or lay down his arms and admit defeat. The first would, no doubt, have been more honourable and consistent with our own past traditions but why the commander of eastern command adopted the second course is difficult for us to say without having the advantage of his own evidence. There can also be no doubt that his forces, which had been fighting almost continuously for several months, were completely exhausted and possibly also demoralised by the fact that they not only did not enjoy the support of the local population but were completely isolated from the outer world with no possibility of any help coming from any quarter. If they had decided to fight then annihilation was inevitable. By surrendering they had a chance to live. Did the commander make the right decision?

33. Many allegations have been made both against the personal character of Gen. Niazi and his competence as a general, in the press as well as by witnesses, but we do not wish to pass any final judgement on his conduct till we have had an opportunity of hearing his point of view. This much must, however be said that in his position he could only make his decision on the basis of the military situation prevailing in East Pakistan at the relevant time for apart from the messages exchanged between him and the general headquarters and for the president and/or the chief of staff, Pakistan Army, he had no other means of knowing as to how the situation was developing at the United Nations or as to whether there was any hope of any ceasefire being brought about by the intervention of the United Nations in the near future. Since this matter will come up again for a more critical analysis in the next chapter, we do not wish to say anything further at this stage.

(B) WAR IN WEST PAKISTAN

34. Let us now examine as to how the war developed in West Pakistan as and from 3rd December 1971, sector-wise starting from the north.

1. Kargil Area

35. This is a mountainous region administered by the Gilgit and Baltistan Agency. It is divided into three compartments by Gilgit, Indus and Hunza rivers. It is, however of some strategic importance, for, this area is contiguous to the Sinkiang Region of China and the famous Karakoram Highway linking West Pakistan with China. A strategic Indian road linking Srinagar with Ladakh, where the Indians deploy a division against the Chinese, also runs close to the ceasefire line in this area. Even during the 1965 war the Indians had, due to this importance, captured our pickets in this area, which were held lightly. Notwithstanding this in 1971 the

same pickets were again held lightly by the Northern Scouts (3 wings), Karakoram Scouts (2 wings) and Gilgit Scouts (1 wing) who were placed under the command of DIG (FC) at Gilgit, who in his turn was for operational purposes directly under the GHQ. No regular army units were allotted for the defence of this area and the only fire support weapons given to the scouts consisted of 3.7-inch and 75mm Howitzers and a number of 3-inch mortars. They had in addition to holding the pickets also to look after the airfields at Gilgit and Skardu.

36. The mission, assigned to the DIG(FC) was to defend the Northern Areas as far forward to the ceasefire line as was militarily sound, while inflicting maximum casualties on the enemy. In fulfilling this mission he could also undertake limited offensive actions to improve own defensive posture by carrying out raids to disrupt the enemy lines of communication. No such offensive was, however, undertaken by the DIG(FC). The scouts generally remained on the defensive during the war.

37. The enemy capability in this area was much superior to ours. It consisted of two infantry brigade groups, one at Kargil where an important Indian airbase was also situated and the other at Kopwara. In addition, there were 5 Border Security Force battalions in the sector and the Indians had also moved an artillery brigade (ex-3 division) from Leh to Kargil. The area was well within the range of the Indian forward air bases at Srinagar and Awantipura.

38. During the war the enemy launched an attack against Olding and Nobra sub-sectors held by the Karakoram Scouts. They were subjected to frequent air raids and ground attacks. The Scouts failed to put up any resistance and the enemy was able to penetrate deep into our territory and to occupy an area of about 220 square miles including the villages of Chalumka and Turtuk along the Shyok River. In the Nobra sub-sector, some important posts in the Olding sub-sector, overlooking Kargil, were also attacked and captured by the enemy. The total area lost in this sub-sector was 5 square miles.

39. On 17th December, the Indian airforce also attacked Skardu airfield, and temporarily put it out of action. As a result a company of Chitral Scouts, which was being brought into reinforce the Karakoram Scouts, could not land and had to return to Gilgit.

40. Although the operations in the Northern Areas had no significant effect on the army operations as a whole yet the wisdom of holding this area so lightly by only ill-equipped and poorly trained Scouts cannot but be doubted in view of the strategic importance that this area has acquired by the opening of the Karakoram Highway. The defence infrastructure on this region needs development and strengthening. Its importance is more than established by the fact that both in 1965 and 1971 the enemy has attacked and taken this area to improve its own vital lines of communication to Ladakh.

12 division

41. The area of responsibility of this division comprised almost the entire Azad Kashmir territory minus Mirpur and Bhimber areas. The total frontage of the divisional area was approximately 186 miles along the ceasefire line. Some of the major salients of Azad Kashmir jutting into the Indian held Kashmir are located in this area. They are the Jura bulge across the Neelam River, the Lipa valley, the Badori bulge (Hajipir pass) and the Nikial-Khui Forest area. The Indians salients jutting into Azad Kashmir in this area are Tithwal, Uri, Poonch-Mendhar and Jhangar-Dharamsal. The territory is divided into several compartments by the Jehlum, Neelam and Poonch rivers and their tributaries which form narrow gorges between towering mountain ranges rising from 1,500 feet in the south of above 10,000 feet in the north. The upper mountain ranges are also covered by pine forests which are fairly dense in the north.

42. Our 12th division consisted 6 infantry brigade groups, 5 Azad Kashmir brigades and one Pakistan Army brigade, six Frontier Corps wings and a number of Mujahid companies. This division had no air support and

the lines of communication consisted of unmetalled roads running along the rivers and then only jeepable roads. In the forward areas there were only mule tracks.

43. The mission assigned to this division was to defend the area of its responsibility as close to the ceasefire line as was militarily possible and sound while inflicting maximum casualties on the enemy. In the discharge of this mission it could also undertake limited offensive tasks into enemy territory as also carry out raids to disrupt the enemy lines of communication. The division, however, in its concept of this mission planned to capture Poonch by attacking the Poonch salient with two brigades from the Badori bulge coupled with feint attacks in other sectors.

44. The enemy strength opposing this division was as follows: -

- (a) 19 division (four brigade groups), headquarters at Baramula.
- (b) 25 division (3 brigade groups), headquarters at Rajauri.
- (c) Border security forces (14 battalions, including four J&K battalions).

45. The 12th division opened its attack on Poonch salient at 2000 hours on the night of 3rd December, preceded by 20 minutes of artillery bombardment. The enemy artillery did not reply during major portion of the night. The assaulting units reported having inflicted heavy casualties on enemy and claimed to have made some progress, but the morning revealed that nothing had been achieved. The enemy was still holding on in its forward defences. The second Azad Kashmir brigade was then asked to renew the offensive next night but again the offensive failed with heavy casualties to our own forces. In the meantime, the enemy started reacting in other sectors as well. The general officer commanding 12th division thereupon called off the offensive. The enemy, however which had now taken the initiative, launched attacks on a commanding feature in Battal Salient west of Poonch and in the Lipa valley. The Battal salient, which covers the approach from Poonch-Hajira and also the road between Bagh and Kotli, was partly captured by the Indians on the night between 10th and 11th December, 1971, but their further advance to take the entire salient was halted.

46. In the Lipa valley, which is linked only by a fair weather jeepable track across Kafir Khan ranges, the enemy made a determined effort and succeeded in capturing Kaiyan area measuring about 11 square miles. This valley was being held at the time by one regular infantry company, two companies of Mujahids and one wing of the civil armed forces. The general officer, commanding the division, fortunately succeeded in reinforcing the valley by diverting a battalion from the Poonch sector on 9th December and again by another additional battalion from his reserves on 16th December. The situation was thus not only saved from taking a more serious turn but our troops even captured an area of three square miles across the ceasefire line in the Banwal Bahik area.

47. On 13th/14th December the enemy made another attack on our Darochian-Chamba position south of Khaki-Tekri, but this, too, was beaten back with heavy casualties to the enemy.

48. The offensive for the capture of Poonch, it is said, failed mainly due to the under-estimation of the enemy's strength and the poor leadership of our own forces, particularly, the irregulars. Another dangerous tendency, which was noticed in this offensive, was false reporting in this area by the units which had been launched into attack. If the reporting had been more accurate, perhaps timely action could have been taken and the result might well have been different. However, apart from the slight loss of territory in the Lipa valley, the operations of the 12th division had no serious effect on the army operations as a whole. It was more or less an isolated venture of no great tactical value but if it had succeeded it would certainly have proved to be morale booster for the army. The manner of its execution, however, left much to be desired. By denuding Lipa valley of 2 infantry battalions for the purposes of the offensive on Poonch an unwarranted risk

was taken which might well have resulted in a fiasco if reinforcements had not been quickly rushed back and the enemy advance checked in time.

(3) Chamb sector under

23 division

49. The area of responsibility of the 23rd division extended from the Chenab on the south to the foothills of the Kali-Dhar ranges in the north up to a little east of Mirpur along the ceasefire line. It covered just over some 75 miles of the border - a comparatively short front but it excluded the defence of the Marala headworks, which was on the Chenab River. This area is often referred to as the "Munawwar gap" and forms a triangle with its apex at Akhnur and a side on the Chenab River. Munawwar Tawai cuts the triangle north to south with the towns of Munawwar and Chhamb lying to its west and then joins the Chenab just east of the Marala headworks.

50. This triangular area is known as a gap, because, it is an open terrain which lies between the foothills and the Chenab River and provides a direct approach to the area Lalamusa-Gujrat.

From the Indian point of view this gap is again of considerable tactical importance, for, any advance in this area by the enemy would pose a serious threat to the main lines of communication between Rawalpindi and Lahore. The Indians could also have combined with such a move another major thrust through Sialkot-Shakargarh-Narowal area, linking up somewhere near Wazirabad bridges. They could also launch attacks from their territory to both sides of Chenab to converge on Marala headworks, which is from the defence point of view of great strategic importance to Pakistan, as the Marala-Ravi link, the BRB link in Sialkot and the Lahore-Kasur sectors are all fed from this headworks.

51. From Pakistan army's point of view, therefore, it was important to improve the defensive position in this area by moving up to the river Tavi which is a natural obstacle. In the overall concept of war in 1971, therefore, the mission assigned to the 23rd division for the defence of the Munawwar Gap laid down the following tasks: -

- (a) Immediately on commencement of hostilities, close upto Tavi River.
- (b) Counter the enemy threat towards Marala headworks from area north of Chenab and assist 1 corps in its recapture, if lost. For the accomplishment of the above tasks the 23 division prepared a number of contingency plans and the one which was actually implemented was as under: - "23 division will capture line river Munawwar Tavi between point 1494 (5470) and Munawwar 5656".

52. This offensive plan had a direct bearing on the overall plan of Pakistan Army, for, this movement was designed to forestall any likely offensive by the Indians towards the Munawwar Gap, and thus to 'close the back door' leaving the army to attend to its decisive operations in the south without any danger of being hit at the back.

53. Forces made available to the 23 division for accomplishing this task were as follows: -

- (1) 4 infantry brigade groups (out of which one was defending area Sadabad Gap well away from Munawwar Gap.
- (2) A newly-raised armoured headquarter brigade (No 2)
- (3) 66 brigade group ex-17 division (a new brigade) given to 17 division in lieu).
- (4) Artillery 17 division.
- (5) 11 Cavalry ex-6 armoured division (T-59) tanks.

As against this the enemy had the following: -

- (1) 1 infantry division (5 infantry brigades + 2 tank regiments of T-55 tanks).
- (2) One anti-tank battalion.
- (3) Artillery equivalent to more than 2 artillery brigade groups.
- (4) One brigade (4 regular and 2 BSFP battalion + tank regiment less a squadron)
- (5) Additional infantry battalion - foothills north of Chhamb.

54. The 23 division launched its attack with 2 brigade groups at 2100 hours on 3rd December from the north side of the salient striking from the west to east towards Mandiala crossing. Deceptive movements were also made from the southern side from which the enemy expected the main attack according to the pattern of deployment of its own forces. The 66 brigade succeeded in making the bridgehead across the Tavi but 111 brigade was not able to do so. In the morning of 4th the 11th cavalry group broke out according to its plan and reached Mandiala at 1600 hours. The 20-brigade group in the meantime continued with minor attacks from the southern flank.

55. Another tank regiment (28 cavalry) was released by GHQ to 23 division on the night of 3rd/4th December to expedite completion of its mission but in the afternoon of 4th December the general officer commanding ordered the 4th AK brigade to make a bridge-head over the Tavi in Mandiala area during the night of the 4th/5th December and the second armoured brigade group to break out from this bridge-head in the morning and capture Palanwala and beyond as far as possible. This was a departure from the mission laid down.

It appears that the GOC was ambitiously planning to go as deep as possible across the Tavi River before the enemy could re-organize himself. The 4 AK brigade managed to establish a small bridge-head across the river during the night but was unable to enlarge it sufficiently, to enable the 2nd armoured group to break through. The enemy counter-attacked with air and artillery support. Our armour suffered serious damage and the move ahead of Tavi failed.

56. At 1200 hours on 5th December the GOC made another change in his plans. He decided to pull back the bulk of the armour during the next night and to launch it on the central axis (Bakan-Chak Pandit) to strike between Chhamb and Munawwar. The attack on 6th December progressed at a slow rate. Chak Pandit fell at 1800 hours and soon thereafter our troops reached the west bank of Tavi.

57. On 7th December the GOC Maj-Gen. Iftikhar Khan, ordered 2nd armoured brigade and 11 brigade to converge on Chhamb and 20 brigade to capture Munawwar. Both were secured without much opposition and the enemy ceased to offer any organised resistance west of Tavi River. The mission assigned to the 23 division was thus accomplished though it was a little delayed by the deviations.

58. The GOC, however, at 1630 hours of 7th December issued fresh orders for the capture of Pallanwala, Khur and Jaurian east of Tavi, but the orders could not be implemented until the night of 9th/10th December, as the troops were tired out and the formations disorganised. During this interval the GOC himself, a capable and bold commander, who had seen action in this area during the 1965 war, unfortunately met with an accident in a helicopter crash. He was badly burnt and later died in CMH Kharian.

59. More in deference to his wishes rather than on a proper assessment of the chances of success the attack on Pallanwala was launched during the night 9th/10th December by his second in command, but the attack was repulsed by the enemy. All the troops were, therefore, withdrawn west of Tavi by 2000 hours of 10th December. The GHQ recalled the 11th cavalry back to the 6th armoured division on 10th December, but the artillery of the 17th division was left with 23 division till 16th December.

60. It appears that the capture of Chhamb was unduly delayed, as the general officer commanding, 23 division, had departed from his original plan and aimed at capturing more areas across the Tavi than what the objective assigned to him.

was taken which might well have resulted in a fiasco if reinforcements had not been quickly rushed back and the enemy advance checked in time.

(3) Chamb sector under

23 division

49. The area of responsibility of the 23rd division extended from the Chenab on the south to the foothills of the Kali-Dhar ranges in the north up to a little east of Mirpur along the ceasefire line. It covered just over some 75 miles of the border - a comparatively short front but it excluded the defence of the Marala headworks, which was on the Chenab River. This area is often referred to as the "Munawwar gap" and forms a triangle with its apex at Akhnur and a side on the Chenab River. Munawwar Tawai cuts the triangle north to south with the towns of Munawwar and Chhamb lying to its west and then joins the Chenab just east of the Marala headworks.

50. This triangular area is known as a gap, because, it is an open terrain which lies between the foothills and the Chenab River and provides a direct approach to the area Lalamusa-Gujrat.

From the Indian point of view this gap is again of considerable tactical importance, for, any advance in this area by the enemy would pose a serious threat to the main lines of communication between Rawalpindi and Lahore. The Indians could also have combined with such a move another major thrust through Sialkot-Shakargarh-Narowal area, linking up somewhere near Wazirabad bridges. They could also launch attacks from their territory to both sides of Chenab to converge on Marala headworks, which is from the defence point of view of great strategic importance to Pakistan, as the Marala-Ravi link, the BRB link in Sialkot and the Lahore-Kasur sectors are all fed from this headworks.

51. From Pakistan army's point of view, therefore, it was important to improve the defensive position in this area by moving up to the river Tavi which is a natural obstacle. In the overall concept of war in 1971, therefore, the mission assigned to the 23rd division for the defence of the Munawwar Gap laid down the following tasks: -

- (a) Immediately on commencement of hostilities, close upto Tavi River.
- (b) Counter the enemy threat towards Marala headworks from area north of Chenab and assist 1 corps in its recapture, if lost. For the accomplishment of the above tasks the 23 division prepared a number of contingency plans and the one which was actually implemented was as under: - "23 division will capture line river Munawwar Tavi between point 1494 (5470) and Munawwar 5656".

52. This offensive plan had a direct bearing on the overall plan of Pakistan Army, for, this movement was designed to forestall any likely offensive by the Indians towards the Munawwar Gap, and thus to 'close the back door' leaving the army to attend to its decisive operations in the south without any danger of being hit at the back.

53. Forces made available to the 23 division for accomplishing this task were as follows: -

- (1) 4 infantry brigade groups (out of which one was defending area Sadabad Gap well away from Munawwar Gap).
- (2) A newly-raised armoured headquarter brigade (No 2)
- (3) 66 brigade group ex-17 division (a new brigade) given to 17 division in lieu).
- (4) Artillery 17 division.
- (5) 11 Cavalry ex-6 armoured division (T-59) tanks.

As against this the enemy had the following: -

- (1) 1 infantry division (5 infantry brigades + 2 tank regiments of T-55 tanks).
- (2) One anti-tank battalion.
- (3) Artillery equivalent to more than 2 artillery brigade groups.
- (4) One brigade (4 regular and 2 BSFP battalion + tank regiment less a squadron)
- (5) Additional infantry battalion - foothills north of Chhamb.

54. The 23 division launched its attack with 2 brigade groups at 2100 hours on 3rd December from the north side of the salient striking from the west to east towards Mandiala crossing. Deceptive movements were also made from the southern side from which the enemy expected the main attack according to the pattern of deployment of its own forces. The 66 brigade succeeded in making the bridgehead across the Tavi but 111 brigade was not able to do so. In the morning of 4th the 11th cavalry group broke out according to its plan and reached Mandiala at 1600 hours. The 20-brigade group in the meantime continued with minor attacks from the southern flank.

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60. It appears that the capture of Chhamb was unduly delayed, as the general officer commanding, 23 division, had departed from his original plan and aimed at capturing more areas across the Tavi than what the objective assigned to him.

The deviation from the original tasks assigned to the division affected the overall plans of the army, as additional reinforcements had to be supplied to the 23 division from the army reserve north. They were returned too late to be of any use to the army reserve north, according to the plan, had either to be committed in support of 1 corps or moved down south for the main offensive of 2 corps. If the 23 division had adhered to its original task, then it was not unlikely that its objective would have been achieved by the first light of 5th December and the army reserve north would not have had to be depleted to support the 23rd division's more ambitious plans. The GHQ should have, in our view, restrained the GOC, 23 division, from attempting tasks beyond his given mandate. It is not known why this was not done. He, it seems, was actually encourage to advance east of Tavi by placing additional forces at his disposal without a proper evaluation of the chances of success.

4. Sialkot-Shakargarh-Narowal sector

61. This was the area of responsibility of 1 corps. The total frontage of the area extended to 180 miles, from Marala headworks on the Chenab to the escape channel of Marala-Ravi link into the Ravi River near Mirowal. This is more or less a flat area fit for large-scale manoeuvres, including the use of armour. It faces the Indian boundary between the East Punjab and Jammu through which run the main lines of communication between India and occupied Kashmir. The main road on the Indian side (Kathua-Samba-Jammu-Akhnur) runs approximately parallel to our boundary ranging within 5 to 12 miles thereof.

62. This is very sensitive area so far as the Indians are concerned. It is, therefore, strongly defended and the Indians have twice launched major offensives into our territory through this area in order to add more depth to their own lines of communication.

63. Within this area fell the Dharam enclave at Kasowal, a strip of Indian territory on our side of the Ravi and our own enclave at Jassar fell on the Indian side of the Ravi. The Ravi, though a major river, has now ceased to be an effective obstacle for offensive operations, as after the implementation of the Indus Basin Treaty most of its waters had been diverted into Indian canals originating at Madhupur headworks. The Indians were, therefore capable of directing a major offensive across the river Ravi through the areas of Raya or Jassar to isolate the areas of Shakargarh-Damthal-Pasrur.

64. From intelligence reports it was known that the Indians would maintain a defensive posture against West Pakistan and Azad Kashmir till her aim in East Pakistan had been achieved. Thereafter, she would divert a part of her strength from the east to the west and launch an all-out offensive to force a decision. This offensive, it was further expected from the information available, was most likely to be launched against the 1 corps area from Samba-Kathua direction with subsidiary attacks across the Ravi further to the south with the objective of capturing Gujranwala or Wazirabad.

65. This enemy intentions appeared also to receive confirmation from his troops deployments which seemed to indicate that most of the Indian reserve formations were concentrated against this area with the exception of 1 armoured division and 14 division less one brigade group which were deployed in area Mukhtasar-Ferozepur-Lalalabad, and the 14th independent armoured brigade group plus brigade group of 14 division which was in area Ajnala-Fategarh-Churian, north of Amritsar.

66. In this view of the matter, the mission assigned to 1 corps by GHQ was to involve and fix enemy reserve formations so that they were not able to extricate themselves to counter our own army's main offensive in the south. Alternatively, the mission of 1 corps was to neutralise and inflict maximum casualties on enemy forces in the event of the enemy invading our own territory and be prepared to carry the war into enemy territory under favourable conditions.

67. Under this mission the tasks assigned to 1 corps were: -

- (1) To deny the vital areas of Marala headworks, Sialkot, Pasrur and Narowal and Jassar and Raya crossing over River Ravi while defending the area of responsibility.
 - (2) To eliminate Dharam enclave on the commencement of hostilities.
 - (3) To take initiative to improve local defensive postures and exploit weak spots revealed in enemy dispositions.
 - (4) To facilitate the launching of army reserves through the corps area.
68. The army reserve in north was given the task, if necessary, to do the following: -
- (a) Cut enemy line of communications Kathua-Samba-Jammu.
 - (b) Destroy enemy bridge-head across River Ravi in area Jassar- Narowal.
 - (c) Destroy enemy para-landing in area Wazirabad bridges.
 - (d) Restore situation in area west of Marala-Ravi link either by counter-attacking the enemy bridge-head across the link or taking up counter-penetrating positions on road leading to general area Gujranwala Wazirabad.
69. The forces at the disposal of 1 corps for this purpose were: -
1. 8th division: 3 brigades in holding role,
 2. 15 division: 4 brigades+one integral armoured regiment.
 3. 8th independent armed brigade
 4. Regiments of M-47/48 tanks corps reserve.
 5. Corps artillery and corps armoured (recce) regiment.
70. In addition it could, if necessary, also call upon the assistance of the army reserve north, which consisted:-
1. 6th armoured division
 2. 17th infantry division.
71. This army reserve was located behind Marala-Ravi link and was to be placed under 1 corps for counter-offensive tasks in the corps area.
72. As against this the enemy formations, as far as known, were: -
1. 26th division (4 brigades)
 2. 39th division (4 brigades)
 3. 3rd light armoured brigade (Holding formations deployed area Jammu-Samba-Kathua.)
 4. One brigade group (plus) (holding area Dera Baba Nanak.)
 5. 36 division
 6. 34th division
 7. 2nd independent armoured brigade group
 8. 26 independent armoured brigade group (from No 5 to 8 army reserves Samba-Pathankot-Gurdaspur).
73. In addition to above the Indians also had the 14th independent armoured group + one brigade group ex-14th division in area Ajnala-Fategarh Charian. This force was so located that it could be used either against our 1 corps or our 4 corps as and when the occasion arose.
74. Our own 8th independent armoured brigade group was to operate both under 8 division and 15 division to eliminate enemy bridge-heads or penetrations of the main defence positions and generally in conjunction with army reserve north.

75. In execution of this mission the commander, 1 corps:

Decided to defend strongly along the line of Degh Nadi in the Pukhlian salient and along the line Zafarwal-Shakargarh-Nurkot in Shakargarh salient. The other portions of these two salients were only to be lightly held. The intention being that the enemy would only be given light resistance if he advanced into these areas. No mine field was laid in the Pukhlian area but mines were laid in two layers in the Shakargarh area.

76. Above the line of Degh Nadi the Pukhlian borders were held by 4 Ranger's Companies and only one regular infantry company under the control of 15 division. The 8th Division's main position was 8/10 miles behind the border on the Samaba-Akhnur side and 11 miles away from the border on the Ravi River side. All the three Brigades of the 8th Division were placed along this defence line and the rest of the area of Shakargarh salient was covered by a "Changez Force" composed of 1 Corps (recce) Regiment (Sherman), 1 armoured Regiment ex-8 Armoured brigade group (M-47/48) and one Infantry battalion ex-8 division to cover the main defence positions between Degh Nadi and Bein River. Some reserve elements and rangers provided the screens and reconnaissance elements in area east of Bein River.

77. With this deployment the 8th division launched an attack with 115 brigade group at 2130 hours on 3rd December on the Dharam enclave, which was expected to be strongly defended by the enemy, but contrary to all expectations the enemy hurriedly abandoned the area and this enclave was captured by the first light of next day.

78. In the next two days nothing happened in this area except for exchange of some artillery fire but at 1900 hours of 5th December the enemy's infantry and armoured columns started approaching 8th division area from the direction of Samba-Kathua between Degh Nadi and Bein River. 20 Lancers of Changez force engaged the enemy but soon withdrew behind the first layer of the minefield. The same night the Indians attacked the Pukhlian salient also in 15 division's areas and overran the positions which were manned by rangers. The Indian attack came from north and east along Degh Nadi. The 15 division quickly reinforced its Gondal and Sindhra positions on Chaprar Burd facing Pukhlian but the enemy made no move in that direction. Instead the enemy consolidated his gains and crept close to Marala headworks.

After ceasefire it was found that the Indians were within machine-gun range of the headworks. The evidence given by GHQ is that during the war they had no knowledge of the enemy's advance so deep into Pukhlian salient, but came to know of it only after the ceasefire.

79. In the Shakargarh salient the enemy after the first encounter with the Changez Force retained the initiative but seemed to be in no hurry to advance. It probed its way through very cautiously and very gradually, occupying only areas vacated by our own troops and avoiding pitched battle.

80. This movement seems to show that the enemy was not anxious to involve its reserves in the 1 corps area in any haste. The Changez Force continued its delaying action against the enemy from 5th to 11th December when the enemy forces established contact with 8 division's main defences along Zafarwal-Shakargarh line. The enemy had actually advanced between the minefields and it was there for nearly 5 days but no effort was made to counter-attack and destroy the enemy between the two minefields. Indeed, it now appears that no such move had even been planned by either the corps or the divisional headquarters, in spite of the fact that the Changez Force had been assigned the task of holding up the enemy in this area. The logical objective of such a drawing tactics should have been to draw the enemy into the killing ground and there destroy it.

81. The story was the same in the area east of Bein River up to Ravi River which was again captured by the enemy without much opposition. Our rangers and Recce support elements withdrew to the west of Bein River, i.e. along Shakargarh-Nurkot line when the enemy started probing into the area. A counter-attack was launched only on 10th December at 1630 hours by the 8th Armoured Brigade from 3 sides covering at Nainkot. The enemy was pushed back about 3 miles east of river Bein but as night fell the counter-attack was suddenly called off, because the enemy pressure was building up again in Zafarwal-Shakargarh area. This pullback was so

hurried that a troop of tanks which was still east of Bein River, was in the confusion prevented from retreating by the closure of the gaps in the minefields. This troop was lost to the enemy in the process.

82. The Changez Force had fallen back to the rear of the main defences along Zafarwal-Shakargarh line by the evening of 11th December but again nothing happened between 12th and 15th December. During this period the enemy got the opportunity to build up his strength in front of Zafarwal-Shakargarh line and then attacked Shakargarh during night 14th/15th December but his attack was beaten back.

83. The main attack of the enemy, however, came at 2035 hours on the night of 15th/16th December. The fighting continued throughout the night and by early morning at 0445 hours the enemy had succeeded in establishing himself in area Barapind-Jarpal-Ghazipur within the main positions of 24 brigade covering Zafarwal after breaching the second minefield. The corps decided, at last, to eliminate the bulge created by the enemy. The 8th armoured brigade was thrown into attack at 0630 hours and the 13 lancers at 0800 hours. A fierce battle ensued in which 13 lancers suffered heavy losses. In the meanwhile 31 cavalry also joined the battle but its leading squadron was badly mauled.

84. It transpired that the enemy had two armoured regiments and two infantry battalions along with a large number of anti-tank guided missiles in this area. Barapind was reclaimed but the counter-attack of the 8th armoured brigade came to a grinding halt. Our losses were unduly severe. The threat of enemy breakout from Jarpal-Ghazipur area was, however, not yet eliminated. It was, therefore, decided to continue the counter-attacks and a tank plus infantry attack was ordered to be launched at first light of 17th December.

85. Again there was considerable confusion with regard to this attack. This 35FF, which had arrived in Raya area on 15th December, was ordered first to Dhamtal and then to Jarpal area to launch the attack. The attack had to be supported by 13 lancers. The battalion, which had arrived at Dhamtal at 1600 hours on 16th December was at once ordered to reach Pindi Purbian by 1900 hours. When it reached there the plan for the attack could not be coordinated between the commanders of 8th armoured brigade and 24 brigade, as the former thought that a coordinated attack at first light was not feasible but the latter decided to issue orders to the commanding officer of 35FF to launch an attack in the morning. Headquarters 8th armoured brigade was not informed about these developments. At 0530 hours of 17th December the battalion (13 lancers) went into action without armour support. The enemy opened up with a heavy volume of tank, artillery and small arms fire. The battalion suffered very heavy losses and lost its commanding officer, two company commanders, one junior commissioned officer and 53 other ranks; 73 others were wounded. By 1300 hours the remnants fell back to Pindi Purbian without achieving anything. The enemy continued to maintain its pressure throughout the day and endeavoured to expand the bulge but fortunately it was stopped by the PAF's timely assistance and close ground support. The PAF destroyed the enemy's follow-up echelons in the area of Dharman and beyond.

86. The battle in this area resulted in the loss of approximately 350 square miles of territory and 534 villages.

87. One cannot help feeling that 1 corps in interpreting the mission assigned to it took an unduly passive attitude and did not endeavour to build up any offensive defence posture nor did it, when giving up, territory, put up any determined resistance or inflict any serious rate of attrition on the invading army, even when the opportunity to do so had presented itself during the course of the war. It was at one stage felt that the enemy had committed most of his reserve formations, located in the area Samba-Kathua-Pathankot-Gurdaspur, into this salient, yet it appears that whatever he achieved in the Shakargarh salient was done without unbalancing his capability to react to a possible counter-offensive by the Pakistan Army.

88. Although the disparity in strength between the forces available to this corps and the enemy was not too great, yet this corps, it appears to us, failed at a critical juncture to take advantage of the opportunities that were presented to it during the course of the battle to regain its position. Several junior officers, who appeared before us, have been critical of the conduct of the operations of this corps. Some have maintained

that the whole concept of the corps plan was defective. It misinterpreted the mission assigned to it by thinking that the main defences should be positioned at or near only the area which had to be denied at all costs to the enemy. While the others could be left only lightly defended. It has been suggested that it was a mistake to concentrate one regular battalion on Marala headworks itself and leave the Pukhlian salient in the charge of ill-equipped and poorly trained rangers.

Similarly it is maintained that advantage was not taken of the successful operations of Changez Force and it was not followed up as it should have been by attacking the enemy when it had been drawn within the two minefields. It is said that it was repeatedly suggested to the corps and divisional commanders to concentrate their artillery fire against the enemy but they paid no heed to these suggestions which came from the junior officers. The manner in which the 13 lancers were sent to their destruction is also adversely commented upon. Indeed, even the senior officers have been critical of the conduct of the operations of this corps and have expressed the view that the reluctance of the high command to launch the main counter-offensive in time was largely attributable to the confusion created in this area.

The object of involving and fixing the enemy reserve, it is suggested, could also have been achieved if the corps had undertaken a limited offensive into the enemy territory itself right from the outset of hostilities. With army reserve north present behind the corps' defence line, such an offensive action would not have been an undue risk, at any rate. It would have prevented the loss of our own territory and the displacement of a large number of our own citizens.

89. There is no other aspect of the matter which needs to be commented upon. This area was not too far away from the general headquarters but it appears that the latter did not exercise any influence over the operations of 1 corps either during the planning stage or during its execution. It is not known why, if the corps command was not in a position to discover the flaws in its own plan, the GHQ could not have pointed out the same to the corps commander. The responsibility for the failure in this area must also be shared by the GHQ, for, the evidence before us shows that the chief of staff of the Pakistan Army personally visited this area more than once during the operations.

(5) Lahore-Kasur-Bahawalpur sector

90. This was the area of responsibility of 4 corps. It started from northeast of Maqboolpur at the escape channel of Marala-Ravi Link and extended into the desert southeast of Bahawalpur, covering some 375 miles of the border.

91. This area, which is an extremely vital area from the defence point of view, is well-served by road and rail communications. The Ravi and Sutlej rivers where they run along the international border, also form major obstacles, even though their efficacy is now somewhat reduced due to their regulating headworks falling in India. Nevertheless, some obstacles are also provided by the BRB link canal, the Dipalpur canal and the eastern Sadiqia canal which run more or less parallel to the border.

In the Lahore sector another obstacle in the shape of the Waga Canal has since been constructed ahead of the BRB canal close to the border. Bridges exist over the Ravi only at Shahdara and Ballocki and the Sutlej is bridged at Sulemanki and Islampur within our territory.

92. This is a major inhabited area consisting of alluvial soil in the irrigated regions extending right upto the Sutlej River. Beyond that the terrain is semi-desert waste land along the borders south of the Sutlej. The terrain north of the Sutlej is fit for employment of armour during dry months only, but the area between Lahore and Kasur presents generally fair to bad going for armour.

93. Having regard to the fact that the operations of this corps had a direct bearing on the army's main offensive plan, the vastness of its area of responsibility imposed a heavy burden upon it. although the main

striking force under 2 corps consisting of one armoured division and two infantry battalions was also located within its area of responsibility at Multan.

The 4 corps area, however, was within the air capability of the PAF from its basis at Sargodha, Risalewala and Shorkot. In order to improve air support facilities the army had also at the request of the air force at breakneck speed constructed another forward airbase at Okara but unfortunately this was not activated during the war.

94. The mission assigned to this corps was mainly to defend its area of responsibility and to neutralise the enemy capability by inflicting maximum casualties and carrying the war into enemy territory under favourable conditions. Its task was:-

(1) [to] Deny Maqboolpur, Lahore, Kasur, Kanganpur and Bahawalnagar at all costs. Lahore, Kasur and Bahawalnagar were, if necessary, to be defended as fortresses.

(2) Take initiative to improve local defensive posture and exploit weak spots in enemy's dispositions.

(3) Facilitate the launching of army reserves through the corps area.

(4) Eliminate Indian enclave at Hussainewala and expand own bridge-head at Sulemanki on commencement of hostilities. Latter during the planning of the main offensive 4 corps was given the following additional tasks:-

(1) Simulate a major offensive from area Maqboolpur against area Ajnala across Ravi River to fix the enemy armour and infantry reserves. Also close up to Changanwan drain between Ravi and GT Road for this purpose.

(2) One infantry battalion and one SSG company to effect the crossing over Sutlej River to cut the enemy lines of communications between Ferozepur and Jalalabad.

(3) Establish firm base in area Bahawalnagar-Haroonabad-Fort Abbas with the assistance of 2 corps troops for the launching of main offensive.

95. It will thus be observed that the main handicap from which this corps suffered was the vastness of its area of responsibility. As against this vastness of area its troop ration was low. It had, therefore, to commit all its formations without keeping any reserves. It also lacked adequate fire support and had to disperse its artillery resources due to its over-stretched defences. The extent of the area also caused some imbalance in logistic and service units support.

96. Despite these shortcomings the 4 corps planned its operations on the concept of an offensive defence and assigned to the formations under its disposal the following tasks:-

(1) [The] 10 division which consisted of four brigade group and 1 armoured regiment (Sherman tanks) was to close up to Changanwan drain between Ravi River and GT Road and to simulate a major offensive from area Maqboolpur across Ravi River and threaten area Ajnala with a view to fixing enemy armour and infantry.

(2) [The] 11 division consisting of 3 brigade groups and 1 armour regiment (M-47) was to eliminate Indian enclave at Hussainewala and threaten Ferozepur-Mamdot Area.

(3) 105 independent brigade with one armour squadron (Sherman) was to expand Sulemanki bridgehead upto line Jhangar-Pucca-Chishtia.

(4) 212 brigade (newly-raised brigade with corps recce. Regiment-T34 tanks) was to effect crossing over Sutlej River in area south of Kanganpur with minimum 1 infantry battalion and 1 company of SSG to cut enemy line of communication between Ferozepur and Jalalabad.

(5) 25 brigade group. This, as already stated, was to establish a firm base in area Bahawalnagar-Haroonabad-Fort Abbas with the assistance of 2 corps troops for launching of the main offensive.

97. Since this corps area was considered as a strategic area, containing Lahore and other vital grounds, the corps also laid down final lines beyond which no enemy penetration was to be permitted.

98. As against this force the enemy had the following formations:

- (a) 1 armoured division: - Muktasar-Kot Kapura (reserve)
- (b) 15 division: - Amritsar (4 brigade and 1 integral armoured regiment). Of this 1 brigade was posted at Dera Baba Nanik facing 1 corps.
- (c) 7th division: - Patti-Harika (3 brigades and an integral armoured regiment).
- (d) 14 division: - Ferozepur-Jalalabad (3 brigades with one in area Ajnala-Fatehgarh)
- (e) 14 independent armoured brigade: - Ajnala-Fatehgarh (reserve).
- (f) 67 Independent brigade: - Fazilka (with one integral armoured regiment).
- (g) 163 brigade: - Abohar.
- (h) 51 Indian para-brigade: - Suratgarh-Anupgarh.
- (i) One independent artillery brigade group ex-army.
- (j) Number of BSF battalions all along the border.

99. The Indian air force could also easily give close support to its own forces from bases at Pathankot, Adampur, Amritsar, Halwara, Ambala and Sirsa.

100. When the offensive went in, 4 corps was to operate jointly with 2 corps. In fact, its 105 brigade and 25 brigade were to come under the command of 2 corps from prior to the launching of the main offensive and after the main offensive had been launched the 4 corps itself was to go into offensive in the area of Ferozepur-Jalalabad-Muktasar west of the twin canals. It had also to assume operational responsibility of enemy territory captured by the 2 corps.

101. In view of the important part that 4 corps was to play in the main offensive plan it was informed of the D-Day on 2nd December. It chose 1800 hours as the H-Hour for the launching of its own offensive action. The divisions and the 105 independent brigade were informed at 1500 hours on 3rd December that they would attack their respective objectives at the appointed hour. The 212 brigade was instructed to complete occupation of its defences by first light of next day, as it had only just arrived in the area. The 25 brigade was instructed not to attack until further orders.

102. The attack went in at 1800 hours of 3rd December as planned except for 88 brigade of 10 division which due to delay in the transmission of orders went into the attack at 2000 hours. In spite of heavy resistance by first light of 4th December the corps had taken Dussi bund across the Ravi, some villages in Waga and Burki sectors, and a part of Hussainewala enclave including Kaiser-i-Hind Fortress and homebank of Hussainewala headworks.

The 105 brigade had captured a number of villages in its area, including Pucca, and more or less completed its mission during the first night.

103. On the next two days the enemy tried in all sectors to recapture its areas but counter-attacks were repulsed and 105th division even managed to capture Pul Kanjri village. The 11th division took the remaining portion of Hussainewala enclave (about 7 square miles) and 105 brigade made some more gains including the village of Khanewala.

The total area captured in this sector was about 40 square miles. But the enemy had in the meantime managed to take Shajra salient (25 square miles) which was only lightly held by rangers on 6th December, 1971, and pushed back our troops from the Dussi bund across the river. The 105 brigade, however, captured another village, called Gurmakh Khera. Our troops at Hussainewala sub-sector could not advance any further, as the Indians while retreating had blown up the end portion of the bridge on their side.

104. Thereafter, the front of 4 corps remained stabilised, as the main offensive was not launched and the Indian air force started continuously raiding 4 corps area damaging railway communications, military trains, canal headworks and road bridges. The enemy made strong counter-attacks and managed to take some ranger posts in the enclave across Sutlej River in 212 brigade area, but its effort to retake Gurmukh Khera on 15th December was repulsed by 105 brigade. The 4 corps also dumped considerable unserviceable bridging and rafting equipment in 88 brigade area on the north of Shahdara on 10th December to simulate preparation for a major offensive across Ravi in Maqboolpur area.

105. The 4 corps achieved successfully all the tasks allotted to it except for the launching of the battalion group across the Sutlej River for cutting lines of communication between Ferozepur and Jalalabad. By its offensive posture it gained the initiative right from the beginning and managed to retain it till ceasefire. Its actions also, it is considered, possibly fixed the enemy reserves in its area if location, for, the Indians 1 armoured division, 14 independent armoured brigade and 14 division played no important role during these days, although their 1 armoured division could have reacted to the expansion of the Sulemanki bridgehead.

106. The 4 corps was so encouraged by its successes that it actually proposed to GHQ a new offensive plan to capture Harike headworks and the area beyond Beas River through a bridgehead in Khemkaran. This proposal was attractive enough for the GHQ to consider between 10th and 12th December, 1971, but it was finally rejected and the original plan was adhered to, although in the process 3 days had been lost.

107. As we shall see later this is another instance of the hesitancy displayed by the high command in launching the main offensive which had taken several months to plan. Otherwise the necessity for examining less ambitious alternative plans could not have arisen.

108. This is the only area in which the operations went more or less according to plan and the corps achieved with success the mission assigned to it. Whether it could have achieved greater success as was generally imagined in doubtful in view of the reaction of the enemy. There is, of course, no basis for the suggestion that 4 corps was actually prevented from advancing further by the high command. We have no evidence to show, as was popularly imagined, that the 4 corps was capable of taking Ferozepur, Khemkaran, Amritsar and other places on the Indian side. In the overall concept of the plan it would indeed have been folly for the 4 corps to have committed itself independently of the 2 corps in any such ambitious scheme.

(6) Sind sector

109. This was the area of responsibility of the 18th division starting from the southern portion of Bahawalpur division to the east of Indus River. It covered a border frontage of some 750 miles of the most difficult desert terrain stretching through the great Thar Desert and extending from the eastern fringes of the canal irrigated areas of Sindh and Bahawalpur to Arvalli hills in the Indian State of Rajasthan. In the south the border runs approximately along the 24th parallel separating Sindh from the Rann of Katch. From military operations point of view both the desert and the Rann restrict large scale movements, especially those based on soft vehicles. There are hardly any proper roads in this desert area.

110. Strategically, however, even this area is important, as our main line of communications, namely, a double-track railway and the national highway linking Karachi, the only seaport in West Pakistan, with the other parts of the country, runs almost parallel to the Indus River on its eastern side and is vulnerable to ground thrusts by the enemy, particularly, in Sukkur and Rahimyar Khan districts.

The Reti Railway station is only about 25 miles from the border. Having regard to the extent of the area, the importance of the lines of the communications passing through it, the economy of the country and the war efforts the mission assigned to 18 division was only to defend its area of responsibility and especially to ensure the security of the main lines of communications. Generally, of course, it was like other formations,

also to be prepared to carry on the war into enemy territory under favourable conditions. In accordance with this mission the tasks delineated for the division were as follows: -

- (1) Defend area of responsibility as far forward as was militarily sound.
- (2) Deny approaches to the enemy in the following manner: -
 - (a) Reti-Rahimyar Khan (communications between Rohri and Bahawalpur to be defended at all costs).
 - (b) Khokhrapar Chor.
 - (c) Rahimke Bazaar (on the Rann of Kutch border).
- (3) Improve defensive posture by edging forward in the unengaged sectors.
- (4) Undertake offensive actions to exploit weaknesses of soft spots in enemy dispositions.
- (5) Create opportunities for employment of army reserves in divisional area including securing of firm basis for their launching.

111. In spite of the fact that this division was granted only a defensive role it planned a major offensive operation not only to capture Ramgarh on the Indian side but also to advance towards Jaisalmer in Rajasthan. The 18 division was a standard infantry division with the normal integral armoured regiment of T-59 tanks but it had at its disposal the following additional reserves in view of its extensive area of responsibility, namely: -

- (1) A newly-raised armoured regiment of Sherman
- (2) 9 Mujahid battalions.
- (3) 36, 85mm Cannons, to be used in anti-tank role.
- (4) 4 wings of West Pakistan rangers already deployed along the border.
- (5) A Hur Lashkar comprising some 2000 men.

112. The only air support it could get was from Masrur airbase at Karachi and from Jacobabad airfield provided the latter was activated. 113. As against this force the Indians had two infantry division, one in the area of Barmer-Rann of Kutch and another in area Jaisalmer-Ramgarh, with their integral armoured regiments. In addition the Indians had a third division under their southern command together with an independent armoured brigade from the army reserve, which could have been inducted into this area if any offensive action was contemplated by the Indians in the Reti- Rahimyar Khan sector. The Indians also had 12 BSF battalions, a para-commando battalion and 2 camel battalions under the southern command. So far as close air support was concerned, the Indians could have, and in fact did get close support from forward bases at Jaisalmer, Uthmaniyah, Jodhpur, Bhuj and Jamnagar.

114. In the overall concept of Pakistan Army's war plans the 18th division should have maintained an effective defensive posture and not thought of going in for any major offensive operation, for, gain of territory in the area of responsibility of this division would only have added depth to our lines of communications without materially advancing the Army's main plan.

This division was not also equipped with proper vehicles to undertake a major desert warfare. Its formations and units also lacked proper orientation, as they had little, or no, training, in desert warfare.

115. Originally in the defensive plan of this division the bulk of the formations were to be placed in the northern sector leaving only one brigade plus an additional battalion for the central and southern sectors. It was also planned that the main defensive positions would be on the green belt, i.e. the edges of the canal irrigated areas in the northern and central sectors. This meant that the main defences were at places 8 to 10 miles inside our border in the northern sector and 25/30 miles inside our territory in the central sector, as for

example, at Naya Chor. The areas between the main defence lines and the borders were held only lightly by covering troops consisting of Rangers, Mujahids and Hur Lashkars with only a sprinkling of regular forces. Similarly in the southern sector for which only one regular infantry battalion was provided the main defences were around area Rahimke Bazaar to cover approaches to Badin and the rest of the border was left to Rangers and Mujahids.

116. The offensive plan of this division was a subsequent development. The GHQ maintains that the details of this plan were not critically examined, as it was supposed to have received the prior approval of the chief of staff. It is perhaps due to this that the coordination necessary for such offensive planning was not completed. The quarter master general complained that he was not taken into confidence in this planning and so does the commander-in-chief, air. The latter in fact asserted that this was not a part of the plan at all. The GOC, 18th division, however, maintained that the plan had been examined and cleared by the GHQ on 1st December 1971. In fact, the GHQ had issued formal orders for the implementation of this offensive plan on 2nd December 1971.

117. The operation, called 'Operation Lubbaik', seems, in any event, to have been hastily conceived, ill-planned and wholly beyond the capability of the division. Difficulties in its implementation were felt right from the beginning due to non-availability of transport, lack of logistic support, non-coordination with the air force and even inadequate or practically no study of the terrain. The launching of the offensive had to be postponed by 24 hours, with the result that the war having started on other fronts the Indian air force had already become active. So as soon as the 51 brigade column of this division moved into enemy territory, it was subjected to intense air attacks. It lost 17 to 18 tanks (T-59). Indeed, without any cover in the open desert, the tanks became easy targets and the forces disintegrated and withdrew in disorder. On the morning of the 6th the GOC himself tried to reach the place by helicopter but had to come back due to intense enemy air activity.

The enemy troops also in the meantime opened a counter-attack. The GHQ had to hurriedly order 18 division to pull back and occupy defensive positions in the green belt immediately. The GOC was replaced by another officer. The new GOC managed to regroup the forces by 10th December and to hold them at their defensive positions with some minor adjustments.

118. As a result of this offensive the enemy reacted violently not only in this area but also in the Chor sector further south and overran most of the area between the border and the main defences. The main defences were contacted by the enemy on 10th December as Naya Chor as also at Rahimke Bazaar. This caused a grave concern to GHQ as the division due to its reverses in the northern sector, was unable to give any assistance to the solitary brigade group in the southern and central sectors.

119. The vital lines of communications were seriously threatened. The GHQ, therefore, decided to reinforce the area. The 33 division, which was a part of 2 corps, was split up to provide a brigade group for area Reti-Rahimyar Khan and the division (less 2 brigade groups) was sent to Chor-Kutch sectors. Thereafter, the area under 55 brigade became the responsibility of another division namely; 33 division and the 18 division was made responsible only for the northern sector. The 33 division took 2/3 days to reach Chor sector due to intense enemy air activity over our own lines of communications, but after its arrival the position was stabilised. Fortunately the enemy ground forces had made no serious effort to close up and launch an attack on our defensive positions. Had they done so the consequences would indeed have been grave.

After reinforcement the 33 division was actually making preparations for recapturing lost territory when the ceasefire came on 17th December. Nevertheless, the division managed to reclaim considerable areas which were either unoccupied or highly held by the enemy after the ceasefire.

120. One cannot help observing that the offensive plan of the 18th division was militarily unsound, haphazardly planned and doomed to failure. It is surprising that such an operational plan was given the

clearance by the GHQ without any critical analysis as it is now sought to be made out. The explanation that since the offensive plan was approved by the chief of staff, no further critical analysis was considered necessary, is clearly not a convincing reason. The normal procedure, we understand, for the approval of a plan by the GHQ, is that it should be formally presented by the GOC discussed and critically analysed, coordinated and then approved.

The GOC gave us the impression that this plan was more or less thrust upon him by the chief of staff and he went through with it, against his own better judgment, only because he had not the courage to face the ignominy of being called "yellow". The GHQ and other officers, however, placed the blame on the GOC for going through with such a plan which was bound to fail. Even if this was so it is difficult to appreciate why the GHQ did not cancel the operation when its shortcomings had come to light at least a day before it was launched. The very fact that from the very beginning the plan got bogged down with transport and other logistic difficulties should have by itself been sufficient to indicate the non-feasibility of the plan. We are not satisfied that the GHQ is altogether blameless in this matter.

121. The concept of basing the main defences on the green belt also surprises us, particularly, since this belt was well within our border. Why was it necessary to establish the main defences so far inside when in the 1965 war the main defences were much nearer the border. It seems to us that by placing the main defences so far back and allowing the border to be held only by half-trained light forces, such as rangers, Mujahids and Lashkars the army was taking a wholly unjustifiable risk, because, regardless of the value the territory lost, it was certainly bound to increase the vulnerability of our main lines of communications to enemy ground action by depriving them of any reasonably safe depth.

122. We are also perturbed by the fact that while large areas of our border territory consist of deserts our troops are neither adequately trained nor properly equipped for desert warfare.

123. The confusion with regard to the activation of Jacobabad airbase is also rather alarming. We see no reason why this forward airbase or the newly-constructed airbase at Okara could not be activated before the outbreak of hostilities. To suggest that after the hostilities had started there would still be time to activate these airfields, should the necessity arise, is to say the least an indication of the lack of seriousness throughout exhibited by our top war planners.

(7) Karachi Sector

124. In the defence planning of West Pakistan this sector comprised of a triangle between Thatta-Khobar-Sonmiani. The main threat to this area was considered to be from the direction of the sea. The primary task of the seaward defence of this sector was, therefore assigned to the Pakistan navy and the air force. Only in the event of the navy being neutralised and the enemy attempting to make an assault-landing possibly by small groups of commando-type personnel, it was felt that the army would come into play.

The defence of this area from the army's point of view was, therefore, of less importance and was, accordingly, assigned to a brigadier with only 1 regular infantry battalion and 1 national service battalion. He was expected to utilize the services of other regular troops of army, navy and air force in the local establishments who could be spared from their own jobs in the event of an extreme emergency. Apart from these there were also 14 Mujahid companies, 3 anti-aircraft Mujahid companies and the civil police and Razakars.

125. The task given to the sector commander of Karachi was to ensure the protection of vulnerable points, to deny the use of likely sites of assault or paralanding and coordinate and direct the local defence of Karachi city and adjoining areas "as a fortress", if necessary. His main function however, was to see to the internal security of the area and to protect the flow of materials in Karachi City against interference by enemy agents or saboteurs.

126. As events developed the army had nothing much to do in this area, for, the enemy concentrated its attack on Karachi, firstly by air and secondly from the sea.

We shall deal with these operations separately when dealing with air warfare and sea warfare. No attempt was made by the enemy to assault land or paradrop any troops. The sector commander of Karachi, with the limited resources available to him, managed to protect the vulnerable points and keep the lines of communications open.

There was no sabotage against vital installations in the sector during the period of the war, although it was heavily bombed from the air, and even hit by missiles from the sea.

(8) Army Reserves

127. Before we part with the narrative of the army operations in West Pakistan something has to be said about the army reserves, the part they were expected to play in these operations and as to why the operation plans of these reserves could not be implemented.

128. Reserves are maintained primarily to retain an overall balance for freedom of action during battle so that any initiative obtained by other forces may be retained or initiative obtained by the enemy may be wrested from him. In defence the reserves may be used to reinforce any threatened sector, to counter-attack for the recapturing of vital areas or to destroy the enemy forces on the ground of own choosing after the enemy has been halted. In an offensive role the reserves can be utilized to penetrate into enemy territory and capture sensitive area in order to put the enemy off-balance or to destroy his force. For these tasks armour has, of necessity, to be an essential part of the reserves but since armour cannot operate independently, infantry support has also to be provided for it.

129. Pakistan army, however, has never been able to afford an adequate reserve force. The 1965 war bitterly highlighted this deficiency. Efforts were made thereafter to improve the condition but till the middle of 1970 the army reserves consisted only of 1 armoured division and 1 infantry division. During 1970 a further study was carried out and a reorganization of reserves was made. The army reserve was raised upto 2 armoured divisions and 3 infantry division groups as follows: -

Reserve A: - 6 armoured division plus 9 infantry division-army reserve (north)

Reserve B: - 2 corps, comprising 1 armoured division plus 16 infantry division- (army reserve south)

Reserve C: - 7 infantry division.

130. The later preserve, namely, the 7th division was kept separate so that it could join either reserve north or reserve south according to the operational tasks assigned to these two groups.

131. Till July, 1971, the role of the army reserve formation was restricted to either counter-attack for recapturing vital areas, eliminating enemy bridgeheads across major rivers and restoring important defence lines or undertaking a number of counter-offensives for capturing limited areas in Indian territory, with a view to destroying the enemy's overall balance.

For this purpose the army reserve north was to be used, generally in area north of Ravi River and 2 corps in areas towards the south thereof.

132. As a result of the developments in East Pakistan the 9th and the 16th divisions less artilleries were dispatched to East Pakistan and in their place two new divisions, namely, the 17th and 33 divisions were raised. The latter was assigned to 2 corps, but the former was initially to be utilized north of Chenab River, i.e. till the securing of Tavi River, after which it was to move to Sheikhpura as the commander-in-chief's final reserve.

133. After July, 1971, when the possibility of an Indian attack on East Pakistan increased the necessity for planning a strong counter-offensive into Indian territory from West Pakistan was felt, but after considerable

deliberations only two alternative plans were prepared, of which only one was to be implemented depending upon the general deployment of enemy forces and the location of its reserves. The first plan, called "Operation Grey-Wolf" contemplated an offensive in the Akhnur-Jammu-Kathua-Basali-Ramkot area. Its purpose was to sever the lines of communications leading to the disputed state of Jammu and Kashmir from India. This offensive had, of necessity, to be launched from 1 corps area between Ravi and Chenab. The task was, therefore, assigned to the north reserve.

The 2 corps was to stay poised on either side of the Ravi to meet any counter-offensive by the enemy.

134. The second plan called "Operation Changez Khan" aimed at capturing a large area south of Sutlej River (Abohar-Bhatinda-Ludhiana) by 2 corps with 7 division also placed under its command. The 2 brigade groups of 4 corps through whose area the offensive was to go in, were also to be placed under the command of 2 corps, and subsequently army reserve, north was also to move to join 2 Corps.

135. Later the information received with regard to the deployment of Indian forces ruled out the implementation of "Operation Grey-wolf," as it was felt that the enemy had kept his reserves of armour and infantry close at hand to frustrate any offensive effort in this area. In September 1971, therefore, it was finally decided to put into operation the second plan "Operation Changez Khan", and the 7 division was permanently placed under the command of 2 corps.

When the war broke out the 2 corps had a headquarter of its own while the northern reserve was without a such headquarter, integral artillery and corps troops. The northern reserve was further depleted from time to time. Formations from it were lent to other divisions for other purposes in the hope that as soon as their purposes were accomplished they would be returned to the army reserve, north.

Its infantry composition, namely, 17th division, being a new raising, was also in a semi-effective state of preparedness. It had only 2 effective Brigades out of the 6 forming its component. A third was in the process of being raised at Kharian and its artillery has to be deployed in support of the 23 division. The combat effectiveness of the army reserve north was thus considerably reduced and in this state it could hardly be entrusted with any major operation alone. The final decision taken was, therefore, to go through with "Operation Changez Khan" in the event of an attack on East Pakistan by India. The details of air, engineering and logistic support were worked out and contingent plans were also made, and with the opening of the war the following movements also took place: -

- (a) 3rd Dec: the 7th division started moving into assembly area Dipalpur-Chunian-Sahiwal. The 475 army engineer group also commenced movement from Chak Jhumra to south Sahiwal. The 104 brigade group was also ordered to move to Arifwala-Pakpattan.
- (b) 4th Dec: The 2 corps artillery moved to area Haveli-Sulemanki in support of the 105 brigade group operations for expansion of Sulemanki bridgehead. The 124 brigade arrived Arifwala from Khanpur. The 7th division elements also started arriving their assembly area.
- (c) 5th Dec: The 7th division completed move into assembly area. The 124 brigade reached Vihari. The 51 lancers (corps recce.) arrived in area Bahawalnagar to strengthen the 25 brigade position.
- (d) 6th Dec: The 124 brigade was wanted to move to area Haroonabad-Fort Abbas.
- (e) 7th Dec: The commander, 2 corps visited the GHQ. 1 engineer battalion moved to Tibbi Lal Bag for development of routes across the river. 1 brigade 33 division was warned to take up defence position in place of 206 brigade which was engaged in Longanewala battle, as the 18 division was reported to have suffered heavily due to enemy air action.
- (f) 8th Dec: Orders were issued for dispatch of 1 infantry battalion and 1 mortar battery of 33 division to Chhor area. The move took place during night 9th/10th December. Meanwhile the 7th brigade ex-7 division crossed Sutlej into area Bahawalnagar-Minchanabad.

- (g) 10th Dec: The GHQ ordered breaking up 33 division. Division less 2 brigades sent to Chhor, 1 brigade each sent to 1 corps area and 18 division. The HQ, 33 division, placed directly under command of the GHQ and made responsible for Chhor area with 55 brigade. The 7th armoured brigade broken up and reverted to the 6th armoured division. Guides Cavalry dispatched to 33 division.
- (h) 11th Dec: Headquarters 7th armoured brigade rejoined 6th armoured division (army reserve north).
- (i) 12th Dec: An infantry battalion of 7th division placed under command of 105 brigade, on temporary basis. This was to strengthen the position of the expanded bridgehead then being subjected to intense enemy counter-attacks.
- (j) 13th Dec: Conference held at headquarter 4 corps attended by commanders 2 and 4 corps, chief of general staff and quarter master-general to examine the possibility of launching offensive through Khemkaran. Proposal finally dropped. The 124 brigade ex-33 division arrived 1 corps area.
- (k) 14th Dec: Formal orders issued to 2 corps for moving to forward concentration areas prior to launching offensive operations. Recce parties and recce regiment of 1 armoured division moved into forward concentration area during night 14th/15th December.
- (l) 15th Dec: Regrouping and readjustments carried out in 2 corps for impending operations. 102 brigade ex-7th division arrived in area Mandi Sadiq Ganj. Tanks of 1 armoured division were loaded and movement started at last night, but due to train accident the movement had to be postponed. Guides cavalry reached Chhor area after 5 days due to dislocation of communication in area south of Rahimyar Khan.
- (m) 16th Dec: The vehicles of 1 armoured division moved to area Vehari and Katora (south of Sutlej). Air cover was provided to 2 corps to complete its forward concentration, but at 1845 hours orders received for "freezing all movements" from the GHQ. Nine trains of armoured division scheduled to move at 1900 hours were dispersed and unloaded. Army reserve, north, ordered to move to area east of Marala-Ravi Link. 315 brigade ex-17 division placed under command of 1 corps and moved to area Damthal.
- (n) 17th Dec: Dispersal and camouflage of formations and units of army reserve north effected. Ceasefire came into effect at 1930 hours.

136. It will thus be seen that with the breakup of 33 division partly due to the developments in Shakargarh area and partly in the Chhor area the original plan of the major offensive had to be modified but it was still considered possible for a limited objective to go into enemy territory. Orders were, therefore, issued on 14th December for this purpose, namely, that the army reserve north should go in for capturing Indian territory up to Gang canal and thereafter be prepared to secure the area upto Twin canals in the east and Chanhban drain in the north.

The 2 corps modified its plan and carried out the necessary regrouping for the same but while it was on the move at 1845 hours its movement was suddenly frozen under orders of the chief of staff, Pakistan army issued from the GHQ. It is not understood why this freezing order became necessary even after the modification of the offensive plan, particularly, since 6th brigade of 7th division had already crossed Sutlej River and regiment of 1 armoured division had moved into forward concentration area during the night between 14th/15th December. If this freezing order had not been issued, 2 corps too, would have completed its movement during the night of 16th/17th December and the offensive would have been launched into the enemy territory with the first light of 17th December.

137. Most of the commanders and staffs concerned, who have appeared before us, seem to be of the view that the modified offensive plan had every chance of success even at that late stage, but it is the high command which wavered and hesitated throughout, despite the fact that they had been fully associated with

the planning and had approved of the same. No one has been able to satisfactorily explain why preconditions were imposed by the high command for the launching of the offensive even after it had been approved with all its details. If it is said the commander-in-chief and the chief of staff of Pakistan army were waiting to see the complete absorption and fixation of the enemy reserves by holding formations of 1 corps, then they were expecting too much. The enemy had right from the beginning been extremely cautious in committing his reserves. His plan was to finish East Pakistan first before attacking Pakistan in the West.

He was not likely, therefore, to commit the mistake which the commander-in-chief and the chief of staff were expecting him to make, particularly since the threat posed by the Pakistan army neither justified nor necessitated the committal of the enemy's main reserves. The other forces which were thrown in were quite sufficient and had performed their task efficiently enough to upset the calculations of the commander-in-chief and the chief of staff of Pakistan army. It was not necessary for the Indian army to do anything more until the capture of East Pakistan had been completed. If Pakistan army wanted to have a decisive battle in the West before the Indian army could free itself from its commitment in the East then it was necessary for Pakistan army to take up a more offensive posture.

138. Apart from the fact that the second front itself was opened after a great deal of vacillation the conduct of the war even after the opening of the second front suffered from hesitation and indecision. The basic advantage which could have been gained by the opening of the second front soon after India's open invasion of East Pakistan, was lost by delaying the opening of the second front by about 12 days. Even then the chances, if any, of success of the offensive which had been planned were, it seems, again given up by delaying the offensive. Everyday lost retarded the chances of success and each day the enemy capability strengthened. The element of surprise was completely lost and the enemy not only at sea and in the air but also on land was gaining the upper hand. It seems to us that either the Pakistan high command lacked the will to launch the main offensive into Indian territory or lacked the qualities of generalship to implement an already approved plan. In every theatre there appears to be a clear disparity in the planning and the conduct of the war, although persons responsible for both were surprisingly the same.

139. The net result of this vacillation on the part of our high command has been that we have not only lost a whole province in the East but also lost nearly 6,356 square miles of territory in the West and in the bargain surrendered 73,000 to 93,000 highly trained troops of all ranks, including a large number of officers with all the weaponry and equipment of a little more than three divisions.

140. It is sad story for which we have to thank our army high command which was also at the time ruling the country. The war was not lost for lack of manpower or of ammunition or for the lack of the will to fight in the lower ranks. The war was lost due to bad generalship, particularly at the highest level. (C) Air battle in Pakistan

141. Having examined the operations conducted by the army during the period of the all-out war (3rd December to 17th December) we now propose to examine the role played by our air force, in this war and the amount of success, if any, achieved by it.

142. The role assigned to the air force, which has naturally to be guided by the overall concept of our own war plans, was as laid down in War Directive No 4 of 9th August, 1967 as follows: -

(a) Bombers

Canberra

Bom.
58

Tr.
12

(b) Fighters

Mig-21

Fighters
201

Bombers
18

Gnat	—	162
SU-7	91	12
Hunter	136	31
HF-24	49	—
Mystere	—	56
Vampire	—	139
Ouragan	50	85

(Vampire and Ouragan are presently not held in Squadron but are kept in reserves)

884 146

(c) Recce	17 supercon-Canb
(d) Transport	290 HS-748 AN-12 packet, Dekota-Carribou-II- 14 Otter.
(e) AOP	96 Auster-Krishk-Alleoute III.
(f) Helicopter	208 MI-4, MI-8, Alleoute III.
(g) Basic trainer	286 Harvard, HT-2, Kirin.

Grand Total 1,997

- (a) Fight the air battle offensively and create a situation which will make it possible for the army to operate without serious interference from the enemy air force.
- (b) Provide limited close and reconnaissance support to the army and navy but be prepared to give maximum air support for any crucial battle when so directed by the supreme commander.
- (c) Provide limited transport support to the army and navy when the situation permits.
- (d) Coordinate all the early warning systems in the country.
- (e) Undertake transportation of limited pay loads of a vital nature between the two wings when the situation so demands.
- (f) Arrange to fly critical supplies into either wing from abroad by own allied chartered aircraft.

143. This role was no doubt based on our basic assumptions regarding defence planning. These assumptions were as follows: -

- (a) The main threat is that from India. While all efforts will be made to neutralize the threat from Afghanistan through diplomatic and other actions, defence planning must cater for operations on two fronts.
- (b) A warning of probably 7 days will be available before war.
- (c) No direct substantial help can be expected from outside during war.
- (d) The war will be intense and fought with great severity. Our ammunition reserves being limited, we must bring it to a successful end quickly.
- (e) Normal communications between East and West Pakistan will be disrupted during war.
- (f) Even if war starts in East Pakistan, the major and decisive battle will be fought from West Pakistan.

144. On the basis of these directives and assumptions Pakistan air force, which was always much smaller than the Indian air force tried to evolve its own concept of operations in the light of the threat assessments made since the 1965 War. It was known that the Indians had appreciably increased and modernised their air capability since 1965, and thereby increased the disparity between the PAF and the IAF. During 1965 war our air force with 9 squadrons faced threat posed by 29 enemy squadrons but by December, 1971, the enemy's air strength had been raised to the followings: -

145. Apart from the above the Indian navy possesses 88 aircraft, including 50 Seahawks, and the civil aviation has over 100 aircraft. Recent unconfirmed reports also indicate that the Indian air force has acquired 70 MiG 21 or SU-7 fighter aircraft from USSR after the Indo-Soviet Treaty.

146. Since 1965 the Indian air force had also developed a number of new forward airfields along the borders of West Pakistan and East Pakistan. They had also set up 22 ground control interception stations consisting mainly of Russian and American radar equipment. They had also provided complete radar coverage for their territories. The entire operational element of the Indian air force had also been organised on regional basis under three operational air commands, namely, the western, central and eastern commands, corresponding to the Indian army's regional ground commands, with headquarters at Palam, Allahabad and Shillong.

147. They had also worked out a fairly well coordinated plan for tactical air support to the Indian army through their joint air support system based on advanced headquarters, liaison cells tactical air centres and joint operations centres. Joint operation centres function in conjunction with each army corps and are responsible for all air support operations. The centres are directly connected with the respective command/corps headquarters and all lower formation/units through exclusive army air support communication network provided by the army. They vet all air support demands, determine priorities and allocated efforts between pre-planned and immediate air support requirements. In addition to these, they have tactical air centres which have been established along side army corps headquarters, and some independent army divisions deployed in forward areas exercise full operational control with fighter forces allotted for providing pre-planned and immediate air support to the army. They are fully mobile and completely integrated with army communication network and move out to forward areas along with the army associated with army corps/division.

At the command level the air force has defence headquarters/liaison cells. These are located within the premises of associated army command headquarters and exercise functional control over air force units (tactical air centre) for providing air support to the army. The Indian air force also provide forward air controllers on ad hoc basis to lower army formations or deep units deployed in forward areas for actual control and direction of air support on to the enemy target.

Since 1965 the Indian air force has also improved its operational efficiency by extensive joint operational exercises and intensive training of pilots for recognition of armament targets.

148. With this force the Indians are capable for generating 150 sorties daily against Pakistan. Their estimated normal distribution of daily capabilities is as follows: - (1) Against West Pakistan 660 sorties (2) Against East Pakistan 200 sorties

This does not include air defence operations, for which the Indian air force has about 400 aircraft in reserve capable of generating another 460 and 200 sorties respectively in the two regions.

149. After this assessment of the offensive and defensive capability of the Indian air force, a study was carried out by our own air force to determine the courses of action which the Indian air force was likely to adopt in the event of war with Pakistan and it was appreciated that their main objective would be to neutralize the effectiveness of Pakistan air force as speedily as possible to give bulk support to own army and to enable it to make quick territorial gains in Pakistan. To achieve this objective it was visualised that the Indians might adopt the following three alternative courses: -

- (1) Carry out mass raids against PAF while maintaining strong air defence of its own bases and installations.
- (2) Maintain very strong air defence of own bases and installations while concentrating major part of air effort to support own army.
- (3) Divide air effort between air defence, offensive action against the PAF and support of own army.

150. The threat posed by the Indian carrier's fighter aircraft was not considered to be very serious against West Pakistan even from the point of view of the Pakistan navy. It was felt that if the Carrier came within range, our B-57 bombers, escorted by fighters, could easily deal with it. As it so happened the Indian aircraft carrier was deployed against East Pakistan where the PAF capability of meeting its threat was minimal.

151. The resources available to the PAF for meeting this Indian threat in 1971 were as follows: -

- (a) In West Pakistan Bomber Squadron
 - 1 Subsonic (F-86F) squadrons
 - 2 Subsonic (FR-86E) squadrons
 - 3 Supersonic (F-104) squadrons
 - 1/2 Supersonic (Mirage) squadrons
 - 1 Supersonic (MIG-10) squadrons
 - 3=10-1/2
- (b) In East Pakistan Subsonic (F-86E) squadron
 - 1=1

Total fighter squadrons 11= 1/2

152. The resources available to the PAF were hardly sufficient to meet the formidable enemy threat, hence in the concept of the air force planning it became necessary to devise ways and means of keeping our own losses down to the minimum, while inflicting maximum losses on the enemy. For this purpose it was necessary that our aircraft should not unnecessarily be exposed to small arms, ACK ACK, SAM and other defences unless the results to be achieved fully justified such losses. With this objective in view a war plan was prepared to carry out the following tasks: -

- (a) That a war of attrition will be obviously unfavourable for the PAF. Therefore, the concept should be to attack the Indian air force where it was the weakest, while operating the PAF in favourable environments as far as possible.
- (b) To maintain a very high state of readiness in air defence initially, in order to minimise the effects of "saturation" type raids and to increase our ability to inflict heavier losses on the enemy's raids against our airfields and installations during daylight. PAF's aim would also be to draw the enemy fighters over our own territory and to fight under conditions more advantageous to us, i.e. where our own radar cover is adequate, fuel shortage does not critically affect us and where recovery of our downed pilots is assured with the same advantages denied to the enemy.
- (c) To launch strikes against four Indian forward air bases (Amritsar, Pathankot, Srinagar and Awantipura) in order to reduce the overall weight of attack which could be launched from these bases against our territory including the land battle areas. After the initial strikes, the pressure against these bases was to be kept up by repeating our attacks.
- (d) To attack the enemy's two forward radars so as to render them ineffective in giving cover to enemy aircraft operating over the battle areas and deeper in Pakistan territory.

- (e) That infliction of heavy losses on IAF aircraft, which carry out raids against our bases, is expected to force the enemy to abandon his strike plan. As soon as this happened, the PAF was immediately to begin close air support operations for the Pakistan army. An effective air defence posture was however to be maintained to counter any IAF move to switch back to "saturation" raids against the PAF.
- (f) To undertake air operations in East Pakistan in such a manner as to conserve our force for as long as possible.

153. It may be mentioned here that as early as 1969 the PAF's requirements in view of its force goals had been indicated to government in the report of the inter-services defence evaluation committee. This requirement was for an additional 6 fighter squadrons, 2 additional airfields (one in East Pakistan and the other in West Pakistan), modernization of equipment by replacement of obsolete F-86 fighters and B-57 bombers and removal of deficiency of aircraft and equipment. After this report had been seen by the three services chiefs a high-powered resources board, headed by the finance minister was set up by the government to examine its implications. The board held its meeting on 15th January 1970 and the minister fully agreed to give the most urgent attention to the services' requirements but no further meeting of the board was held nor was any effort made to meet these requirements.

154. In order to offset the numerical superiority of the Indian air force the PAF in its planning proposed to adopt the following offensive and defensive tactics: -

- (1) Offensive action against four Indian forward airfields with a view to blocking their runways and picking up their aircraft on ground. The objective sought by this tactics was to neutralize a sizable portion of the Indian air fleet and at least temporarily to prevent it from reacting immediately against Pakistan air operations.
- (2) To engage enemy fighters when they were far away from their bases while our own fighters were not. Furthermore to engage them on our own territory so that when each aircraft was shot down Indian also lost a pilot.
- (3) In East Pakistan where there was only one squadron available the concept was to conserve the force for a long period as possible.

155. It may be mentioned, however, that on our own estimation the air force in East Pakistan was not expected to last for more than 24 hours. It actually lasted for over 72 hours.

Air War in West Pakistan

156. The PAF had after 1965 established certain forward air bases at Murid, Chander, Risalewala, Rafiqui, Multan, Jacobabad and Tajhar and the army had also at breakneck speed constructed another road runway at Okara but neither Okara nor Multan nor Jacobabad had been activated before the war. Chander was only partially activated. The air force, however, it is suggested, has the capability of activating 1 or 2 of these bases for this purpose at least 4 days' notice was required.

157. In view of its limited resources the PAF had also entered into mutual collaboration schemes with some foreign friendly countries. There was a secret plan with Iran, according to which it was expected that in case of war, Iran would assist us with two squadrons of F-5 aircraft and other necessary equipment. There was no such formal agreement with any other country but a number of our pilots had been lent to several Middle East countries which had received Russian and British aircraft to train their countries as also to gain experience of these types of aircraft, such as Mig-21, SU-7 and Hunters, which were also being operated by India.

158. To counter-balance the numerical advantage that India had over our own capability efforts were also made to improve the pilots' training both in armaments and combat techniques, and it is for this reason that when the opening of the second front was being planned, the commander-in-chief, air, asked for the opportunity of a pre-emptive strike on enemy forward air bases to reduce the weight of the Indian air force attack on PAF bases and Pakistan army which was expected to be launched at the very outbreak of hostilities.

According to this the supreme commander fixed the H-hour at 5pm of 3rd December and our air force went into operation against Amritsar, Pathankot, Srinagar, and Awantipura. 32 fighter bomber aircraft were used for this purpose. But in accordance with the concept of our plan they were strictly limited to one strike each by high level straight runs. This tactics was adopted to prevent them being intercepted by enemy planes capping their own airfields, or from being hit by anti-aircraft or ground-to-air missile fire.

Due to the adoption of these tactics, our planes, it is claimed, returned safely without loss but unfortunately not much was achieved, apart from making small craters on runways. No enemy planes, according to information so far available, were destroyed on the ground, as the Indians had since 1965 constructed concrete pens for sheltering their planes. The craters formed were also of no such dimensions as to cause any serious delay in Indian's reaction.

159. The same night bomber attacks were also launched against airfields at Ambala, Pathankot, Amritsar, Halwara, Uterlai, Jaissalmer, Jodhpur, Bikanir, Jamnagar, Sirsa, Srinagar and Agra. Again the same tactics were adopted and PAF aircraft returned safely from all these missions.

The Indian air force, however, reacted by mid-night and carried out strikes against our own airfields at Masrur, Sargodha, Mianwali, Rafiqui, Chander and Risalewala. The retaliation was expected and our planes were on the alert capping their airfields. Nevertheless, the enemy managed to cause some damage to these airfields, particularly to Chander, Sargodha, Rafiqui and Masrur. The Indians were obviously using their forward air bases which we had earlier bombed after repairing the craters, if any, caused by our bombing. It was known that Indians had very good repair capability also and minor damages could be repaired by them within 3 to 4 hours. Our pre-emptive strike had, therefore, no material effect nor did it seriously interfere with India's capability.

160. The Indians continued their pressure on 4th and 5th December as well as concentrated their attacks on air bases.

During this period 27 day strikes and 53 night strikes were made by the enemy but they lost 32 aircraft in combat and by anti-aircraft fire, while the PAF lost only one F-104 aircraft on a strike mission to Amritsar radar.

161. Again the main reason for the enemy's failure to immobilize our airfields was due to the fact that we too were capping our airfields, some of which were also well protected by anti-aircraft fire. The Indians, accordingly, from after the 5th changed their pattern of attacks. Their targets thereafter were mainly railway stations and lines of communications which, in our case, lay along, and in close proximity to, the border. Our planes did not get sufficient reaction time to intercept the enemy raiders which came very low and at high speed from their forward air bases. Our planes hardly got time to take off and intercept the enemy raiders.

162. The enemy planes also came in a big way for giving close support to their own army. Our air force too was called in at Chhamb, Shakargarh and Sulemanki areas for giving close support to the army but desperate calls, made for air support by the 18th division when it went into offensive in Indian territory towards Longanewala and was severely mowed by the Indian air force, could not be met, as the only airfield from which such support could have been given was Jacobabad and it had not been activated.

163. Although the GOC 18th division maintained that the GHQ had promised him air cover for his offensive operations, the commander-in-chief, air, denied that he had any knowledge of this offensive at all or that the offensive had been planned in consultation with him.

164. The enemy also repeatedly attacked Karachi area and Masrur air base. One of our bombers was also hit while still on the ground at Masrur. The navy's desperate calls for air support in this area could not also be met, as most of these demands were made for support either during the night or when the enemy aircraft were actually raiding Karachi and Masrur. The F-104 squadron, based at Masrur, it appears, had no night fighting capability.

165. The enemy aircraft appeared to the general public to be able to come into our own territory at will and bomb any place it liked without much opposition by our own air force. Some of the young pilots in the air force also appeared to be dissatisfied with the conduct of our air operations. They felt that they could have made a far larger number of kills if they were given more latitude of operation and were not rigidly tied down by instructions. They also complained that most of our bombing missions failed, as we did not use the right type of bombs or the right type of bombing tactics. The bombs used generally were general purpose bombs which did not have the same efficacy as napalm or other more sophisticated types of bombs. It is pity that we did not possess these more sophisticated types of bombs nor could we get fuses manufactured locally to increase the explosive capability of our general purpose bombs, but we cannot agree with the young pilots that the tactics employed by the overall plan of the air force were entirely wrong.

These tactics, as already stated, were influenced largely by the concept that we had to cause attrition to the Indian air force in such large numbers as to appreciably reduce its numerical superiority over our own force. The extra precautions taken to bring our planes back safely after their missions had been accomplished, were not, therefore, unjustified. We could not afford to take any risks in the face of the huge disparity in our respective air forces. But it does seem to us that within limits of safety indicated by this disparity there should have been some latitude left to individual pilots to choose their targets and to make strikes where that could be done without undue risk. It may well be said that pilots were inclined in their enthusiasm to take unnecessary risk to establish their own superiority in skill or claim a larger number of kills but at the same time it does seem rather odd that sometimes planes had to return, due to these inflexible instructions, without unloading their bombs.

166. The air force was also in some other respects unduly over-cautions, particularly, when planes were sent out in close support of the army. In such sorties the restrictions imposed on the use of weapons, other than general purpose bombs, does appear to be somewhat unusual. The general purpose bombs could hardly be utilized with any degree of accuracy on scattered formations of tanks or enemy armour. Canons and napalm bombs would have certainly been more effective, although they would have involved a greater degree of risk of being hit by small firearm from the ground. In a close support mission such a risk should have been accepted. Bombing with general purpose bombs could have been effective only against concentrations of enemy troops or armour.

167. Our air force was also unwise in not having taken the precaution of activating all the forward air bases before going into operation, if the infrastructure for this purpose was available. Even assuming that our own air force was reserving some portion of its capability for the main offensive proposed to be launched by the army, it was imperative for it to have anticipated that the forward air bases at Okara, Multan and Jacobabad would have to be utilized for this purpose. The neglect of this aspect cannot be lightly condoned, particularly, since the date and the time of the starting of the war were fixed for all intents and purposes, according to the choice of the air force itself.

168. The commander-in-chief and other senior officers of the air force, who have appeared before us, have maintained that in spite of our limited resources and serious disparity both in numbers and in capability, our air force acquitted itself more than creditably. Its planning, it is said, was sound and proven effective. It is claimed that the air force during the period of the war flew 35 days strike missions and launched 155 sorties against enemy airfields and radar stations. It delivered 13 attacks with 77 sorties against Srinagar and

Awantipura complex, 6 attacks with 32 sorties against Pathankot and 5 attacks with 22 sorties against Amritsar. Remaining 11 missions were flown against forward enemy radar stations and enemy airfields in the southern section.

169. During the night the air force flew 124 strike missions against enemy airfields, concentrations and on interdiction targets using not only B-57 bombers but also its T-33 and C-130 transport planes. Altogether 103 missions were flown by these aircraft. In addition, 17 night missions were flown against Amritsar, 27 against Pathankot, 15 against Jaisalmer, 14 against Bhuj and 16 against Uterlai. The rest were flown against deeper airfields at Ambala, Agra, Halwara, Adampur, Sirsa, Jodhpur and Jamnagar.

170. We have not, however been told as to what results were obtained by these missions nor do we know the exact extent of the damage caused to the enemy airfields. The air force does not even claim to have destroyed any enemy aircraft on the ground.

171. In close support of the army the air force claims that against the projected 30 sorties+48 additional sorties reserved for the main offensive it actually flew on an average 66 sorties per day; the maximum being on 14th December, when a total of 115 sorties were provided. Some of these support missions, it is claimed, were undertaken at the initiative of the PAF itself, as for example, in the southern sector when during night 7th/8th December a T-33 aircraft on another mission spotted a large concentration of enemy forces in Naya Chor area and struck it on its own initiative. It set a train ablaze at Barmer station. On landing the pilot reported back this large concentration of troops, vehicles, etc, and on his information three T-33 aircraft, which were being sent out to bomb Uterlai, and 2 B-57 bombers were diverted to attack this concentration. Again on the next day 11 F-86E and 2 F-104 aircraft attacked the same concentration and in the night between 8th/9th 2 C-130 aircraft with 45x500 pounds of bombs attacked the same area, thus making a total of 76 sorties which, it is claimed contributed, in no small measure, in halting the enemy's advance towards Hyderabad.

172. During the nights of the 15th/16th and 17th December the PAF claims that it flew 113 sorties to protect trains transporting army reserve (south) and it did its work so effectively that none of these trains could be attacked by the Indian air force. All of them reached their destinations safely.

173. In support of the navy also, the air force claims, although there was no firm commitment to provide air support, it actually provided 28 sorties. In addition to this, PAF aircraft provided 59 sorties and civil aviation aircraft provided 68 sorties to the navy for air reconnaissance.

The navy, it is said, had been duly informed that the PAF had no night capability and that the chances of intercepting enemy aircraft attacking naval ships were very remote due to the reaction time limitations.

Nevertheless, on the morning of 5th December when maritime headquarters informed COC that 2 ships had been sunk by OSA class boats during the previous night, 2 F-86 aircraft were sent out from Masrur air base to search out and destroy these boats. The missile boats could not be located. The same evening at 1830 hours, however, maritime headquarters again reported that missile boats had been located on a bearing of 155 degrees 36 miles from Karachi. Two T-33 transport aircraft with bombs were launched. It was not possible for the aircraft to locate the target but bombs were dropped in the area. The same night a B-57 bomber was detailed to strike the missile boats harbour at Okha, it did so and reported after the strike that harbour installations were set on fire. On 6th December 1971, the COC was again reported that 5 OSA class missile boats had come close to Karachi harbour and got mixed up with other merchant ships lying offshore. The missile boats, it was said, were quite capable of destroying the entire Pakistan fleet. Immediate assistance was, therefore, necessary. Two F-86 aircraft were sent out at first light to identify and attack the ships if they could be guided to the target by the navy. The aircraft saw a ship west of Cape Monze. This was reported to the maritime headquarters which confirmed that the area was clear of all friendly ships. On getting this clearance the aircraft attacked the ship. Later it was found that the ship was one of our own. Had the

commander of the ship not fired with green light signals the ship might well have been destroyed by the aircraft.

During the initial strafing one officer and several of the ship's crew were killed. On 9th December 1971, two F-104 planes were again sent out to attack Okha harbour. No missile boats were seen in the area but the aircraft attacked two oil tanks and set them ablaze. Two oil tanks, which had been hit previously on the night (5th/6th December) were still seen smoking. On 10th December again another strike at Okha was planned but at a distance of 54 miles from the target area an anti-submarine Alize aircraft of the Indian navy was sighted and shot down. PAF fighters then returned due to shortage of fuel.

Air battle in East Pakistan

174. In East Pakistan the PAF, inspite of the fact that it had only one squadron and only one airfield with an additional runway at Kurmitola for recovery and relaunching only, faced 11 squadrons of Indian aircraft, operating from airfields located on the north-east and west of Dacca. Carrier-borne planes also posed a threat from the sea.

The early warning system, based on mobile observer units, had completely broken down due to military action in March 1971. It was a serious deficiency which the squadron at Dacca faced. It also suffered from the fact that a high-looking radar which was previously at Dacca, had been withdrawn. Notwithstanding these defects, from November till 3rd December 1971, the squadron flew 87 sorties in support of the army. On 4th December, 1971, when the Indian air force launched an all out attack on Tejgaon and Kurmitola airfields, the squadron heroically faced the raiders and shot down 9 enemy aircraft while losing 3. On 5th December it again took to the air to offer combat to the enemy but no aerial engagement took place. On the morning of 6th December 4 aircraft were again sent up to intercept Indian aircraft over Comilla where our army was under heavy pressure. In the air combat one Indian aircraft was shot down. Our planes returned safely to Tejgaon, but before they could refuel and takeoff again the Indians bombed the runways at Tejgaon and Kurmitola. After that disparate efforts to repair the runway no aircraft could be launched, as the Indian air force continued to attack and crater the runway. Finally on the 9th the PAF command operation centre instructed AOC, East Pakistan, to evacuate the pilots to Burma and destroy the remaining aircraft and installations.

175. During this period the Indian air force flew approximately 2,000 sorties in operations over East Pakistan. It lost a total of 28 aircraft in combat and by anti-aircraft fire as against a total of 5 aircraft lost by the PAF. 11 fighter aircraft were destroyed after our aircraft were grounded at Dacca and 12 pilots were evacuated from there to Pakistan via Burma.

General

176. The total strike missions flown by PAF between 3rd and 17th December are given in annexure 'A'.

177. The PAF claims in proof of its success that as against a total loss of 24 aircraft it had succeeded in destroying 104 enemy aircraft. The details of these losses are given in annexure 'B'.

178. The details of the missions flown in close air support datewise from 4th to 17th December are given in annexure 'C'.

179. The commander-in-chief, air, has characterised the criticism levelled against the air force as being wholly uninformed and unrealistic. He maintains that it is not possible for any air force in the world, however large it might be, to prevent the enemy from infiltrating into own air space nor is it possible always to intercept raiding planes, particularly where they are operating from airfields close to the target areas as the Indian air force was doing in this case.

It is pointed out to us that our main lines of communications, namely, the railways, run almost parallel to, and close to the border, and therefore the enemy jet aircraft taking off from advance air bases had the capability of being on the target area, even when flying low below the radar, within 5/7 minutes. This did not give sufficient reaction time to own planes to get air-borne and poised for attack from airfields like Sargodha, which was our main air base. It was, therefore, not possible and indeed it would have been wasteful for the PAF to employ even a small part of its limited forces in chasing every enemy aircraft, which even when our planes did manage to get air-borne and take up the pursuit, invariably avoided encounter and retreated with great spurts of speed of which they were capable with their rear boosters. There could also be no comparison between the course of events during the 1965 war and the 1971 war, as during the latter period both sides had developed new tactics of air defence with a network of mutually supporting airfields. Both sides had also carefully camouflaged, concealed, protected and dispersed their aircraft on these airfields and as such, there was no possibility of any mass destruction of enemy aircraft on the ground as was accomplished in 1965 at Pathankot and Kalai Kunda. Apart from this, the Indians had also acquired a very quick repair capability of damage to runways and vital installations. Their training and warning systems had also improved considerably since 1965.

180. The air force further believe that the Indians had also designed with Russian help a special warning and combat guidance system. A plane fitted with electronic instruments supplemented their early warning system from the air. This proved very effective and was of very valuable assistance to the Indian raiding aircraft. Whenever our aircraft got on to any enemy aircraft it received warning from this plane and manoeuvred itself out of our plane's firing range. Often this plane even monitored our signals to our own planes and guided Indian attacking planes into areas where our planes were not likely to be found.

181. Having regard to the vulnerability of our main lines of communication and its length, running over a thousand miles from Peshawar to Karachi, it was also not possible, according to PAF, to give full protection to every sector of this line of communication. In the circumstances, the apparent absence of PAF aircraft from a particular sector did not necessarily mean that the PAF was not doing its job. It actually did stretch itself far beyond the safe limits of its capability, particularly, since it still had to keep in reserve sufficient efforts for the close support of the army offensive which even upto the last was expected to be launched any day. In the face of these difficulties the PAF did, it is claimed, manage to hold off a larger and a much powerful air force and to inflict serious losses on it with relatively minor losses to itself.

182. Comparisons are always odious and we did not wish to enter upon a comparison of the performance of the air force in 1965 and in 1971, because, the situations prevailing on these occasions were, by no means, the same, but taking an overall picture of the needs of the country's defence we cannot help feeling that the aid defence planning does need some reconsideration. We are not convinced with the reasons given for not activating the few forward airfields that we had developed since the 1965 war, nor are we convinced that a more forward looking defence posture could not have been adopted by the air force having regard to the peculiar needs of the country. It is well known that the main populous areas of the country are situated near the borders facing Indian and our main lines of communications, i.e. the railways and public highways also run parallel to this border well within the range of the enemy's air attack capability. It is also known that with the speed with which the modern jets can reach target areas to destroy the same the reaction time is likely to be very short. In these circumstances, the question might well be asked as to whether this country, too should not have more forward airfields located at such places from where it might be possible to give some protection to our vital lines of communications and also to some major centres of industry even if we do not attach much importance to the demoralizing effect that constant unintercepted raids are likely to have on the civil population.

It seems to us that if this is not possible, then other means of protecting civil areas, vital installations and lines of communications, including major bridges, etc, against air raids, should be devised and better anti-aircraft protection should be provided for these places.

183. We are also not satisfied that the early warning system introduced by the air force worked satisfactorily. The time lag between the observation of enemy aircraft by the first line of mobile observer units and the final collation of that information in the air operation centre, it appears to us, is unduly long because of the dilatory method adopted. The mobile observer units, it appears, first contact the SOC, then the SOC contacts the AOC and only then planes are scrambled. There was some confusion also in the SOC's due to inefficient handling. Training exercises to coordinate the working of the various agencies employed for the operation of the early warning system were it appears, not held. This should, we think, be done periodically to keep them at a high pitch of efficiency.

184. The question of joint planning and joint direction of war is also a question which has troubled us considerably, for, we cannot help feeling that the system in operation did not work satisfactorily. There was no joint planning at all between the air and the navy and even between the air and the army the system was an improvised one and not very satisfactory. The system broke down, because either the pilots had not had sufficient joint exercises with the army or that the army officers trained for operating as forward air controllers were not able to guide the aircraft properly to the target. This aspect of the matter will be dealt with more fully in another chapter specifically dealing with higher direction and joint-planning of war.

185. It only remains to be mentioned here that although we had no secret pacts with any other country except Iran, considerable assistance was received from Saudi Arabia, Jordan, Libya and China, both in the shape of aircraft, ammunition and spare-parts, and if the war had progressed further, we would not have been in as helpless a condition as the American ambassador depicted to the ex-president, because having regard to the pattern followed by the Indian air force we are not convinced that it would have developed any tactics aimed at immobilizing our air force during a couple of days. We are also not inclined to agree with the assertion of Gen. Yahya Khan and Gen. Hameed that the inability of the air force to protect our lines of communications was one of the main factors which influenced them in calling off the main offensive. We are inclined to agree with the commander-in-chief, Air, that even if the main offensive had gone in on 14th December he would have been in a position to give it close support upto Bhatinda and beyond that only if the army managed to capture the Indian airfield at Sirsa.

186. There is one other point which we think should be noticed, namely that the air force made a serious miscalculation in leaving the protection of the entire southern area ranging from Karachi upto Rahimyar Khan to only one squadron of F-104 fighters and a half squadron of B-57 bombers based at Masrur air base, knowing that Karachi was a vital area and our navy was not strong enough to meet the threat of an immensely superior Indian navy. It should have been realised that the Indians had the capability of blockading Karachi and if Karachi, the only port in West Pakistan, was blockaded, it would have seriously interfered with the supply of oil and other essential war material coming from Middle-eastern countries. Due attention to this had not, it appears, been given in the air planning and the threat posed to Karachi from the sea was seriously under estimated, if not, deliberately ignored. We hope that this matter will be looked into.

(D) War at sea

187. In the light of the country's geo-political situation the navy with its woefully inadequate resources was the weakest link in our defence organization. Little or no attention had been paid to the development of the navy in spite of almost complete information being available as to the increased threat posed to our sea routes and our sea ports by the enlargement and modernization of the Indian navy. Eversince commander-in-chief of the army also became the head of the state a bias appeared to have grown up in favour of land-based warfare and the strategy heavily oriented towards this aspect. As a consequence of this concept there was not only a complete failure to appreciate the necessity of developing the navy but also an inclination to treat this wing of the defence service as of little or no importance in the defence planning of the country. There was

thus not only an absence of army overall joint-planning between the three services due to the non-appreciation of the navy's role in the event of a war but also a complete paralysis in the functioning of whatever higher defence organization existed in the country prior to the imposition of martial law.

188. There may be some excuse for failing to appreciate the nature of the responsibility that the navy was ultimately to be called upon to shoulder after the commencement of the military operations in East Pakistan in March, 1971, or for the formulation of any joint contingency plan for withdrawal or escape of forces from East Pakistan in the event of an all-out invasion of that area by the Indians, but one can find no excuse at all for the manner in which the navy was treated in the planning of the second front and the operation of the war in the western theatre. No thought, it appears, was ever given to the possibility of Karachi being blockaded by the Indian navy, nor was the seriousness of the OSSA threat to Karachi port and our navy fully appreciated. Indeed, the navy was even precluded from utilizing its striking forces to the maximum advantages by its non-association in the joint planning as also be the inordinate delay in conveying information of the D-Day and the H-hour. The navy, in fact, was not consulted in any of the major decisions of the 1971 War. These aspects of the higher direction of war will be dealt with in another chapter but in this chapter we propose to examine the part played by the navy in the war operations both in East and West Pakistan.

Naval actions in East Pakistan:

189. The Pakistan Navy war plan was conceived mainly in the context of the maritime defence of West Pakistan and the threat posed by the Indian with their surface force of two cruisers, 18 destroyers/frigates, 8 OSSA boats and possibly one submarine in the Arabia Sea. In the face of this overwhelming Indian threat our naval fleet, consisting of 1 cruiser, 5 destroyers/frigates, 8 minesweepers, 1 tanker (logistic ship), 4 patrol boats, 2 motor torpedo boats (obtained as loan from Saudi Arabia in April 1970) and 4 submarines, our fleet was doubtful of its effectiveness from the beginning. This small force could not possibly be broken up for the defence of both the wings of the country without impairing its total utility. The concept, therefore, was to keep the force as compact as possible. The main base of the Pakistan navy was at Karachi but another base was opened at Chittagong under the command of a commodore consisting of a small repair and maintenance organization, logistic depot, stores and ammunition, etc. and a communication centre for communication between East and West Pakistan as also between Chittagong and other units at sea and in the rivers. The Navy also set up a very small office at Khulna manned by a naval officer and a skeleton staff of sailors. In 1971 a fleet of only 4 patrol crafts was all that could be made available to the commodore for the coastal patrol of East Pakistan. From time to time a destroyer also visited East Pakistan for short periods. The rest of the navy was located at Karachi.

190. After the military action of March 1971, and the disruption of road and railway communications between Chittagong and the interior as a result of guerilla activities the need was felt to call upon the navy to keep the riverine communications open as also to provide water-borne carriers with fire-support.

Plans were accordingly hurriedly made to increase the number of patrol crafts by requisitioning suitable inland water transport authority crafts in East Pakistan and converting them into gunboats. Later arrangements were made to procure three more gunboats from China and a marine battalion was raised for meeting the threats to riverine and coastal areas as also for undertaking an amphibious assault task with an additional base at Chandpur.

The status of the commodore, East Pakistan, was then raised to the level of flag officer commanding, East Pakistan, with headquarters at Dacca, and a rear admiral was posted as flag officer to operate with the Eastern Command.

191. The force so created in East Pakistan did a remarkable job in keeping the riverine routes open in spite of increasing guerilla activity. All defence and vital cargo transported by river crafts had to be convoyed by the

gunboats with armed personnel drawn from the army and the navy. Later the navy had also to undertake special measures to counteract anti-under water sabotage measures by guerillas and Indian frogmen as also countermine measures in Chalna area. Subsequently as the guerilla and Mukti Bahini activities continued to increase another newly-raised marine battalion of 397 naval persons (10 officers and 387 CPOs) was sent out to East Pakistan towards the end of November. The naval complement of East Pakistan was also raised from 550 to 1,511. In addition, the navy took over control and manned about 30 crafts of the river support unit of the army. This included 1 naval landing craft tank and 3 mechanised naval landing crafts.

192. In March, 1971, a destroyer, PNS Jehangir, was also sent to Chittagong to assist the army in restoring order in Chittagong and assisting landing operations at Cox's Bazaar, and St. Martin's island on 5th and 6th May, 1971. She was relieved by PNS Badar on 9th May and returned to Karachi along with tanker PNS Dacca. PNS Badar remained in Chittagong till August 1971, to augment the surface force against the main threat of the Indian fleet.

193. By November the small fleet in East Pakistan was faced with the stupendous task of also preventing infiltration of Indian troops and Mukti Bahini into East Pakistan's riverine areas using boats and launches. The entire gunboat fleet in East Pakistan had to be employed round the clock but in spite of this the enemy succeeded in the 2nd week of November to mine the approaches of Pussur River. The mine fields were cleared with the assistance of civil aircraft and traffic was resumed but the enemy succeeded in damaging one foreign merchant ship on 12th November and another on 17th November. The Chalna port was practically closed after this.

194. During these entire operations the navy lost 6 CPOs/sailors and 2 civilian drivers. Three officers and one sailor were injured and only one gunboat was damaged, upto 3rd December. This by itself speaks volumes of the achievements of the Pakistan Navy, in spite of its serious limitations, in the East Pakistan theatre.

195. From 4th December 1971, however, after all-out war was opened by India all the ports in East Pakistan and riverine traffic were subjected to heavy air attacks and the entire coastal areas of East Pakistan were blockaded. Chittagong was attacked not only by land based Canberras and Hutters but also from carrier-borne aircraft. Oil installations at Chittagong were severely damaged, one naval patrol craft (Comilla) sunk and another (Rajshahi) damaged. Merchant ships at Chittagong and Mongla ports were also sunk and damaged. The navy protected the approaches of Chittagong by laying mines which till well after the surrender prevented the Indians from making any landings in this area. They subsequently landed at Cox's Bazaar after surrender on 17th December 1971, or later.

196. Khulna was evacuated when the army withdrew on 8th December. The commander of the naval base at Khulna due to some confusion boarded a merchant vessel in the early hours of 7th December bound for Singapore with the intention of disembarking further down the river but as enemy air raids were continuing the master of the vessel did not agree to land him and took him to Singapore.

197. On 9th December flag officer commanding, East Pakistan, sent the following signal to commander-in-chief, navy, which sums up from his point of view the overall position prevailing in East Pakistan and is worth quoting here as his estimate that the forces in East Pakistan would be able to hold out till 16th December at the latest, has now turned out to be prophetic. The message reads as follows: -

"With Indians having complete air superiority and free sky to themselves since 5th December, our land defence regrettably has collapsed sooner than expected(.) In Eastern sector enemy troops have reached Chandpur(.) Anti-aircraft regiment was evacuated last night(.) In Western Sector enemy has pushed alongside upto Faridpur while Barisal area is completely under rebel control(.) From north enemy has penetrated upto Bogra through Rangpur coordinate (I) In north-east our troops are in contact with enemy around Bhairab Bazar (.)

para. 2 (.) The shore wireless service, rail and waterway communication systems remain during the night under heavy and continuous air interdiction supported by full scale renewed rebel activity (.) This has brought logistic supply system almost to standstill (.) Attrition rate Gun boats had been registered fairly high as aircraft have been picking 25 knots boats dispersed between Bhabok Barisal (.) Casualty rate fairly high (.) List is being prepared (.) Sixty per cent of naval force has been rendered non-operational (.) Indians are using their helicopters capacity to full extent and so far three drops have taken place in Sylhet, Hilli and Brahmanbaria area (.)

para. 5 (.) Eastern command is in process pulling back troops from various sectors to redeploy at Dacca as a last stronghold if mobility so permits (.)

para 6 (.) Our ill-equipped divisions without adequate artillery or armour, limited airforce with only one airfield and improvised naval force, all have withstood the Indians onslaught steadfastly but human endurance has its own grateful limitations which fade away with time (.) My personal optimistic assessed situation is that at present rate ammunition expenditure with limited supply available which cannot be replenished and fast converting of overwhelming Indians amphibious forces on to Dacca fully backed up by air cover and rebels our heroic may not last more than a week (.)

On 14th December, however, naval headquarters, Karachi, sent a signal to flag officer commanding, East Pakistan, and commodore Chittagong regarding the reported movement of the US 7th Fleet to the Bay of Bengal and of movements by Chinese in north-west and north-east borders of India with instructions to inform Eastern Command. It is now stated that this signal was based purely on information gathered from press and radio reports. If so, this was a most unwise step and such a signal should not have been sent unless its authenticity had been properly verified. Thereafter Flag officer East Pakistan sent his last message regarding the proposed surrender by eastern command to the following effect: -

“Eastern command negotiating terms with General Manak Indians joint for stopping hostilities in East Pakistan as per directive by President (.) This regrettably amount to unconditional surrender (.) Request instructions by 160800F December if I am to comply.”

In reply he was told: “PSE comply with Eastern Command decision,” and thus ended the naval battle in East Pakistan.

198. Nevertheless, a total of 10 officers and 111 CPOs/sailors escaped from Chittagong in the early hours of 17th December and arrived in Burma in patrol crafts, launches and country-crafts. Notable amongst them is PNS Rajshahi. This attempt, we are told by the officer who took the Rajshahi out of Chittagong and brought her safely to Panang, was done in spite of the fact that senior officers had forbidden such attempts. We have also been told that the senior officers at Chittagong had even ordered the scuttling of ships but somehow Rajshahi was saved and this officer is of the view that since the enemy was not in contact with Chittagong even then many more could have escaped but for the attitude of the senior officers.

199. According to naval headquarters 95 officers and 1,378 CPOs/sailors, 104 civilians in naval service have surrendered in East Pakistan.

Navy's war in West Pakistan

200. So far as West Pakistan is concerned, the Pakistan Navy, having obtained information that the Indians had shifted their aircraft-carrier, two submarines, 5 patrol boats, one destroyer, 3 frigates and 3 landing ships to the Bay of Bengal, conceived of a bold and ambitious plan to sink the aircraft carrier. For

this purpose our only American type submarine with long range capability, namely, PNS Ghazi, was dispatched from Karachi on the 14th of November, 1971, with the mission to seek out the aircraft carrier "Vikrant" and to lay mines outside Visakhapatnam harbour. It was expected to reach Visakhapatnam on 25th/26th November and to report its arrival but after the Ghazi left no further news was received from it. The Indians have since claimed to have sunk one submarine outside Visakhapatnam. No confirmation of this sinking is however, available. The conjecture of the navy still is that Ghazi may have been sunk at some other place due to some other cause but not as a result of enemy action.

201. The navy had, in view of the open invasion on East Pakistan and the worsening of the situation there on its own, taken steps to place itself on a war preparedness level. The navy had been brought out to sea for exercise. The commander-in-chief, Pakistan Navy, was from his flagship watching the exercise on 27th November when he was called to Rawalpindi by the chief of staff, Pakistan Army, and on 28th November the chief of staff, Pakistan Army, in the presence of commander-in-chief, air force, informed him of the president's decision to open the second front.

There is some confusion with regard to this date as the CGS army and C-in-C air have maintained that the decision was taken by Gen. Yahya on 29th November and the D-Day was fixed on 30th November. The C-in-C, navy, was not, however, according to his own evidence, given the exact date or the 'H-Hour', but he was told that the commander-in-chief, air, would inform him thereof by a pre-arranged code word over the telephone, as the hostilities were to commence with a pre-emptive strike on enemy air bases.

202. The Indian fleet actually moved out of Bombay harbour on 2nd November and a force of about 8 to 10 vessels passed over our submarine 'Hangor' (a Daphne class submarine of small range), which was then deployed to patrol off Bombay. She could take no action, as it had not yet been declared and no authorization had been granted to attack surface vessels of any kind. The commander-in-chief, Navy, claims that the code word was given to him over the phone by the commander-in-chief, Air, on 3rd December at 1530 hours. He thereupon summoned his officers to his naval headquarters and issued signals to his units to execute their war plans, which had already been given to them in sealed covers, at 1845 hours. It is not known when this signal reached the submarines, but the surface vessels of the fleet with the exception of one destroyer and 2 mine sweepers which had been detailed earlier to sail for East Pakistan and another destroyer which was undergoing maintenance repairs, were already out at sea. The two destroyers, mentioned above, also sailed out from Karachi in the same night and joined the fleet under the command flag officer commanding, Pakistan Navy Flotilla. Their concept of operations was as follows: -

- (a) During day light hours ships would withdraw westward of Karachi along the Makran coast but return to Gadani anchorage during the night (Gadani is about 14 miles north of Cape Monze and 32 miles from Karachi). This general pattern of operation was to be followed until threat from OSSA boats was neutralised with the assistance of PAF.
- (b) The two motor torpedo boats, Sadaqat and Rifaqat, were to be used for reconnaissance and advance warning of approaching surface forces.

203. According to this concept the flag officer commanding the Flotilla had detailed one destroyer on outer patrol 50/60 miles off Karachi and a minesweeper for inner patrol duty 25/35 miles off Karachi, but after a discussion with the deputy chief of naval staff operation it was decided that these patrols should also be withdrawn in view of the OSSA threat. At 2334 hours of 3rd December naval headquarters, however, issued orders countermanding this decision and directing the flag officer to maintain both the inner and the outer patrols. It is said that the deputy chief of naval staff operations had advised against this action but commander-in-chief had over ruled him. The same day at about 1800 hours a reconnaissance civil aircraft

detected a force of six Indian navy destroyers escorting two merchant ships and reported the same to maritime headquarters at 1938 hours.

The destroyers were said to be at a distance of 140 miles from Karachi. The PAF base at Masrur was requested for an early strike but the PAF insisted on another reconnaissance. The second reconnaissance report was received at 0150 hours of 4th December, but in spite of this no strike was made available despite efforts of the commander-in-chief, navy, to get in touch with the commander-in-chief, air.

204. The naval headquarters feels that the entire naval picture might have been different if this strike had been made available to it.

205. On the same day the Indians announced the sinking of submarine Ghazi off Visakhapatnam and on 4th December they announced the blockade of East Pakistan giving neutral merchant vessels time till 1400 hours on 5th December to clear the area. The same night the Indian air force attacked Karachi. Oil tanks at Kemari were set ablaze and in spite of the combined efforts of all the fire fighting resources available at Karachi the fire could not be brought under control for several days. On the night of 4th December two surface groups were detected by the shore radar. Maritime headquarters informed the flag officer, flotilla at 2158 hours of these detections which were calculated to be at a distance of 75 and 42 miles, respectively from Karachi and ordered the destroyer, Khyber, which was already on patrol to identify this object. Khyber proceeded to investigate but before it could gain any contact it received a direct hit at 2245 hours. The officer commanding, Khyber was not certain as to what had hit his ship. He at first thought that it was a bomb or a missile from an aircraft and informed the maritime headquarters accordingly, giving his own position. Unfortunately the ship was again hit 5 minutes later and began to sink at 2320 hours. No further signal was received from her. In the meantime at 2305 hours minesweeper Muhafiz which was on the inner patrol of Karachi was also hit and the ship disintegrated on impact with such rapidity that she could not even find time to send out a distress signal. 10 officers and 214 CPOs/sailors were lost with Khyber and 35 CPOs/sailors were lost with Muhafiz.

206. Maritime headquarters on receiving the message from Khyber detailed destroyer Shahjehan which was about 80 miles from the scene of the incident, to go to the rescue of the Khyber, but the flag officer, Flotilla, appreciating that Khyber, might have been hit by a missile from an OSSA boat prevented the departure of the destroyer Shahjehan, as it would have spelled disaster for this ship too. The maritime headquarters then dispatched motorboat, Sadaqat, to investigate Khyber's fate. The latter on its way to Khyber's position located and picked up eight survivors and two bodies from Muhafiz at 0020 hours on 5th and thus the maritime headquarters for the first time came to know of the sinking of Muhafiz.

207. The position given by Khyber in its plight transpired subsequently to be incorrect, for, on further search the Sadaqat managed to locate and rescue 57 personnel of Khyber at 1655 hours of 5th December.

208. Maritime headquarters believes that each of these vessels, Khyber and Muhafiz, was hit by different missiles fired from two different missile boats. It is also suspected that a merchant ship Venus Challenger approaching Karachi from south was also sunk by one of these missile boats on the same night, when she was about 26 miles south of Karachi.

209. Later in the evening of 5th when cruiser Babur and 4 destroyers were returning from Ras Malan on the Makran coast to Gadani anchorage one of the destroyers detected an object on her sonar at a depth of 10 fathoms some 14 miles west of Gadani. It was suspected to be an enemy submarine and was, therefore, attacked with squids both by PNS Tipu Sultan and PNS Shahjehan. At about the same time PNS Babar sighted the sail of a submarine breaking surface close-by and fired at it with its guns, and bores. The submarine immediately dived but was attacked by the remaining destroyers. Before the results could be ascertained the attack was called off by flag officer of the Flotilla, as in the meantime surface contacts had been obtained on the radar indicating presence of some vessels to the south. It was suspected that these might be missile boats and,

therefore, the attack was hurriedly called off. Later it was found that the contacts were, in fact, our own ships searching for survivors of Khyber. The navy thinks that it succeeded in damaging both the enemy submarines on this day but later intelligence reports indicate only one Indian submarine to be missing.

210. PNS Zulfiqar, which had been sent to search for survivors of Khyber, returned and anchored at a place one mile north of Churna Island on the night of 5th December and later sent her survey boats and a whaler to search for survivors. Meanwhile maritime headquarters during the night of 5th December apprehending that a missile boat threat was developing south of Cape Monze informed the flag officer of the Flotilla accordingly. A reconnoitre sortie by a PIA aircraft at about 0400 hours of 6th December reported identification of missile boats 7 miles west of Cape Monze. Maritime headquarters immediately requested PAF for a strike and 2 F-86 aircraft were sent out. At 0630 hours Zulfiqar opened fire on what it suspected to be a missile boat south of Churna Island. The F-86 aircraft thinking that Zulfiqar was firing as it attacked Zulfiqar by strafing runs. The pilots of the aircraft claim that they did so only after getting it confirmed from maritime headquarters that there were no friendly vessels in that area. As a result of this unfortunate incident one officer and two sailors of PNS Zulfiqar were killed.

211. On 6th December one of the Midget Submarine deployed on patrol duty off the Indian coast attacked an Indian frigate but the submarines torpedo failed to launch.

212. On 7th December flag officer of the Flotilla considering that the missile threat could not be neutralized from air attacks requested for permission to withdraw the main units of Flotilla inside harbour, on 8th December instead of exposing ships to missile threat outside. The commander-in-chief, navy, approved of this proposal and the surface ships re-entered harbour at 1200 hours on 8th December.

213. After the ships entered the harbour their ammunitions were unloaded except for anti-aircraft and some other light ammunition, as the role that the naval vessels were now expected to serve inside the harbour was to support the anti-aircraft defences of the port which they claimed they did rather successfully.

214. In the evening of 8th December at about 1900 hours a reconnoitre aircraft detected a surface contact approaching Karachi. Maritime headquarters appreciating this to be an OSSA boat requested the PAF for a strike but again no air effort was available. The threat materialised and two missile boats attacked ships at anchor within the harbour at 2245 hours. One missile hit Kemari oil farm and set it on fire, another missile sunk a merchant vessel called Gulf Star. A third severely damaged another British merchant ship called Harmaton and a fourth damaged the tanker, PNS Dacca. During this period the port was also subjected to heavy air attack by the enemy air force, in order to keep the PAF tied down.

215. The Indian air force again bombed Karachi dockyard on 9th December causing casualties and damage.

216. After the attack on neutral merchant vessels on the night of 8th December, the commander-in-chief, navy, contacted defence secretary by telephone for immediate permission to attack merchant ships after warning neutral ships that Pakistan navy had enforced a blockade of Indian ports. The secretary, ministry of defence, advised commander-in-chief navy to contact the secretary, ministry of foreign affairs. The latter advised against taking such measures. Thus the Pakistan navy submarines, which were already out, were deprived of an opportunity of inflicting damage on Indian merchant vessels.

217. Nevertheless, at 2300 hours of 8th December 1971 submarine PNS Hangor attacked Indian anti-submarine frigate Kukri off the Indian coast near Diu head. The ship was sunk with reported loss of 18 officers and 176 sailors. The commander of PNS Hangor also claims that a second frigate accompanying Kukri might also have been damaged.

218. The net result of the navy's warfare, therefore in the western theatre was that we lost one destroyer Khyber, one minesweeper Muhafiz and one submarine Ghazi. As against this our navy claims to have sunk one Indian frigate Kukri, one Indian submarine and possibly damaged one other frigate and another submarine.

219. Some have doubted the wisdom of withdrawing the navy into the harbour on 8th December but the senior officers of the Navy who had appeared before us maintained that this was a proper move, as otherwise all the vessels would have been destroyed by missile boats. The threat posed by the missile boats had, it seems, affected the morale of the navy to a very large extent, as it was considered to be a threat which the navy was incapable of meeting without effective air support. The missile boats, it is said, were capable of firing their missiles from a distance of 20/25 miles, i.e. before they could even be sighted. Therefore, it was not possible at all to counter the missile threat by naval surface vessels. The fate that Khyber and Muhafiz met would also have befallen the other vessels if they had not been withdrawn inside the harbour where mixed up with merchant ships their identity could not be accurately determined by the electronic detection equipment of the missile boats.

220. There was also greater safety inside the harbour, for, in the open sea naval surface vessels had no chance at all of escaping from a missile attack. From intelligence reports it was known that India had acquired 8 missile boats of the OSSA class from Russia and the capability of these missile boats had also been studied with the aid of Egyptian experts who too possessed this type of missile boats and had actually used them earlier against an Israeli warship. It was their advice that even the mountainous background at the Gadani anchorage provided no protection against detection by missile boat radars. It is for this reason that the flag officer considered it unsafe to expose his ships to a threat which he could not possibly meet without the assistance of the air force.

221. To meet this known threat the navy had earlier made desperate attempts to have an air arm of its own, as the only effective means of countering the missile threat was by air action. Its pleas for funds for that purpose could not, however, be met, as the cost involved in foreign exchange would have been more than the entire foreign exchange resources of the country in any one year.

222. There can be no doubt that the Pakistan Navy was under serious disadvantage due to the lack of air support. It had to depend on the PIA and other civil aircraft even for reconnaissance. It was, therefore, in no position to meet the missile threat when it developed. The commander-in-chief, air, has stated that the navy was given no firm commitment for close air support, as the air force itself did not have sufficient resources for that purpose. Subject to this whatever effort was available was given but unfortunately the Indian missile threats developed either night or simultaneously with an air attack by the Indian air force. The PAF had no night fighting capability and even during the day it could not go to the help of the navy due to the Indian air raids. It did, however, when possible, send out a strike mission as on the 6th morning but unfortunately due to lack of direction from the maritime headquarters the mission ended up in a fiasco. The target to which it was guided was one of our own ships, namely, PNS Zulfiqar.

223. The maritime headquarters itself, it appears, was also under some confusion, because, the commander-in-chief, navy, had decided to set up a separate maritime headquarters at another place in the same building but away from the naval headquarters only after he had received information of the D-Day and the H- hour. As a result of this the maritime headquarters was not fully operational and gave rise to some confusion in plotting the exact locations of our own vessels out at sea. The ex-commander-in- chief, navy, has, of course, denied that there was any confusion but this cannot be accepted.

224. In the final analysis it does appear that although the Pakistan Navy's score against the Indian Navy was, more or less, even, the navy could not make any appreciable contribution to the war effort of the nation in 1971, partly due to lack of own resources and partly due to lack of any coordinated joint planning at the topmost level. If the commander-in-chief, navy, had been associated in the joint planning of the war and informed of the D-Day and H-hour in time, to enable him to deploy his forces suitably it is quite possible that our three Daphne submarines, which were available for operations in the Arabian sea, would have produced better results. Its total inability to meet the OSSA missile boat threat also had considerable demoralising

effect upon it. With the navy of this size one could not have expected it to keep the communications between East and West Pakistan open in the event of an all-out war with India, but what could legitimately be expected was that it would at least be able to prevent the Indians from blockading Karachi which was the only sea port available in the West Pakistan. Its inability to do so due to the OSSA missile threat is a matter which should receive serious attention of the government. The government should also examine the possibility of having another sea port in West Pakistan.

225. The navy also needs to be modernized if it is to serve any useful purpose. Most of its surface vessels are of pre-World War II class which have more or less out-lived their utility. The navy, it seems, has been sadly neglected since the 1965 war during which it acquitted itself rather creditably. The port of Karachi, we are told, also needs a radar facing seaward. This was a deficiency which seriously handicapped the early detection of missile boats and enemy aircraft approaching from over the sea.

226. We cannot also absolve the commander-in-chief, navy, from blame for not having his maritime headquarters set up earlier when he knew at least on 28th that a second front was going to be opened within the next 3/4 days. There was no justification for him after that to wait for the intimation of the D-Day and H-hour for setting up the maritime headquarters. Ordinary prudence should have indicated to him that the maritime headquarters should be set up as expeditiously as possible after the 28th if it was to be located at a place different from the naval headquarters.

227. It may be added, however, that the navy still feels that the defiant action it took against overwhelming odds was, in view of its own deficiencies, more than a heroic attempt to join in the defence effort of the country, and in support of this view it has relied on a BBC correspondent comment which states that the Pakistan Navy during the war of 1971 "fought a useful campaign against a much larger Indian Navy". The success or failure of a battle does not, however, depend only on the casualties inflicted or the kills scored. It has to be considered in the general context of the objectives sought to be achieved and if the objective of our Navy was to keep the port of Karachi open to traffic then it sadly failed to do so.

(E) Air Defence

228. Air defence in its generic sense embraces even the operations of the airstrike forces, but in a more technical sense it is limited to those forms of defence against enemy air action which exclude defence by aircraft operations or air warfare. In this technical sense the basic object of air defence is to discourage the enemy from attacking own territory. In a war this action may take three principal forms, namely, combative, deceptive and preventive.

229. Combative operations: The object of combative action is to prevent hostile aircraft from inflicting such critical damage as may be likely to jeopardise the nation's survival. Combative operations, apart from the operations of the interceptor aircraft, are mainly performed by anti-aircraft guns and surface to air guided weapons. These not only provide protection from air attacks to cities, bridges, dams, railways, roads key installations and other vulnerable points but also augment the capabilities of the interceptor aircraft, as the latter cannot guarantee complete protection from lethal air attacks on pin pointed targets within the country by enemy aircraft. There is no nation in the world, however, large its air force, which can ensure such immunity. The modern concept, therefore, is that in the event of a war the air defence measures should supplement the defence potential of the nation while its own striking air force should concentrate more on delivering counter blows on enemy's strategic bases. The North Vietnamese, who do not possess a large air force have been effectively defending themselves by a net work of anti-aircraft and ground to air missile defence systems. It is reported that in the Hanoi-Haiphong complex alone the North Vietnamese have set up as many as 2,000 anti-aircraft units.

230. We have already indicated in an earlier portion of this report that our own air force with its limited strength was not capable of preventing the enemy aircraft from infiltrating into our skies. It will perhaps also not be possible for us in the foreseeable future to have an air force comparable to the size of the Indian air force. It is necessary, therefore, that our anti-aircraft defence system should be improved, for, in this respect we are sadly lacking. We have no surface-to-air guided weapons, and during the 1971 war we possessed only 99 batteries of anti-aircraft guns. The details of these are given in annexure 'A'. As a result the enemy during the war of 1971 succeeded in raiding 55 railway stations, several sections of the railway track and several military trains. Even in their attacks on our air bases and installations the Indians exhibited a marked improvement over their performance during September 1965 War.

231. Due to this serious inadequacy in our anti-aircraft resources the enemy was capable of probing our weaknesses and exploiting the same fairly successfully. They even bombed oil installations, storage tanks and gas installations. This deficiency highlights the need for a massive effort to improve our anti-aircraft capability, particular, since the country is almost defenceless against night raids. The PAF has only limited night interception capability. The night firing capability can be improved by the provision of surface to air guided weapons and high anti-aircraft guns.

232. Adequate ACK ACK cover is also necessary for any large scale movement by the army as was demonstrated in the 1971 war. Movement of trains was seriously handicapped due to lack of protection from enemy air attack. It took five days for the reinforcements sent from Multan to the southern sector to reach there. Movement of 2 corps to forward areas was also only possible when the air force provided capping.

233. The effectiveness of the air defence system depends on two indispensable factors, firstly, the possession of timely and accurate information regarding the enemy's capability, possible course of action and movements of its air force and secondly, the ability of the defence system to take prompt action based upon such information.

234. The air defence system in our country was at the highest level controlled by an air defence committee, which is an inter-services committee presided over by the chief of air staff. Its composition and charter are given in annexure 'B'. This is only an advisory and coordinating body, because, it has no resources at its disposal to implement its own recommendations. The execution of this part of the air defence system is the function of the air force generally but for the purposes of point or limited area defence the responsibility is shared by the army, navy and the civil defence organisation as well, in so far as they are concerned.

235. Early warning, control and reporting systems are operated by the PAF. These, as already indicated, are based on Mobile Observer Units, Sector Operation Controls and the COC/AOC. We have already referred to the weaknesses of this system earlier. The time lag between the observation of the enemy aircraft by a mobile observer and its ultimate control by the air operations control has already been pointed out. The lack of joint exercises involving all elements engaged in this system on any large scale and over rigid control exercised over radar controllers also affected the efficiency of the anti-aircraft units. The absence of a low level seaward looking radar at Karachi created further difficulties. We hope that these defects will be eradicated, because, during the war it invariably so happened that the anti-aircraft units in the field and all Mujahid Anti-aircraft companies fought almost without any early warning or control on fire. In most cases the only information of enemy raids was the enemy aircraft itself releasing its weapons. This clearly indicated the serious lack of coordination between the PAF sources of early warning and the anti-aircraft units. There is, therefore, a serious need for revising and improving the inter-services procedure for early warning and control of anti-aircraft fire. It may possibly be also necessary for this purpose to increase the number of sectors now existing (three only) for exercising operational control more effectively. In addition, a net work of separate communications must be set up down to the battery command posts, so that air raid warnings are passed on without delay to these posts, and proper control orders are given to the guns to avoid erratic fire on our aircraft.

236. The air force estimates that for a proper anti-aircraft defence the country needs another 342 batteries, the details of which are given in annexure 'C'. It is said that the provision of these additional batteries is within the resources of the country and can be procured either from China or produced indigenously within the country. So far as air-to-ground missiles are concerned these will have to be procured from outside. The current holding of anti-aircraft guns is only 1,000, as such, additional 3,000 guns will be required to complete these requirements. It appears that the normal ammunition requirement for these guns is also high and, therefore, the air force is of the view that at least three months' stock should be kept in the country.

237. For manning these additional gun detachments, it is suggested, that except for the units with the field army and PAF bases all units in defence of static installations should be caderized and should have only about 25 per cent or regular troops to form the nucleus of the cadre. The manpower requirement should be recruited locally and should be employed for the duration of the emergency only after which it can revert to its normal avocation. This programme of development should, it is proposed, be implemented in a phased manner so that the ACK ACK resources of the country should at least be developed by the end of 1972. Effort should also be made to procure night firing weapons (SAMs). If these are not available, then radar control medium HAA guns should be procured from China which is the only country manufacturing the same. Deceptive operations

238. There appears to be a complete lack of planning in this regard. Except for measures taken by individual services no steps or measures are taken by the civil sector to carry out any concealment or deception of vital installations or buildings in any planned manner. This should mainly be the responsibility of the civil sector and the civil defence organization should enforce compliance with measures for concealment and deception at least in industrial areas by the industries themselves. It appears that during the war of 1971 our oil companies and owners of storage oil tanks near railway stations and ports took no steps whatsoever for the concealment or deception of these vulnerable targets.

239. Deception operations can take the form of camouflage, decoys, smoke screens, controlled lighting or blackout, radar and radio jamming and control of electronic emissions. The purpose of all these devices is to confuse attacking forces and to prevent them from identifying targets. We did enforce blackouts more or less successfully and did also make some crude attempt at camouflaging some buildings the other forms of deception were not even thought of.

Preventive operations

240. This third category, which is described as preventive operations, embraces a large number of operations, such as: -

- (a) Air raid warning system
- (b) Use of shelters.
- (c) Dispersal of communities and facilities,
- (d) Control of transportation and evacuation.
- (e) Fire fighting services
- (f) Organization and control of medical aid facilities.
- (g) Disposal of unexploded bombs and missiles.

These are designed to reduce the susceptibility of civil population to damage from air attack by minimizing the effects of air attacks and rehabilitating attacked areas as quickly as possible. These functions

are generally performed by what is called the civil defence organization. This again was a sadly neglected sector during our 1971 war.

241. The responsibility for civil defence has to be shared by civil authorities at various levels, namely, the central government, the provincial government and local authorities. Unfortunately the tendency on the part of these governmental authorities has been to minimize the importance of this defence function partly due to lack of understanding of its proper role and partly due to lack of resources. Whatever organization existed during the 1971 war functioned more as a planning and coordinating nucleus of experts and not as a field organization, although civil defence should really be treated as a fourth arm of the defence in line with the army, navy and air force and it should function in close coordination with these services. It plays an important role in maintaining the morale of the civil population and in reducing as far as possible the disruption sought to be caused by the enemy behind the lines, so as to create difficulties in the conduct of the war itself.

242. All countries of the world now attach a great deal of importance to the organization of a proper civil defence system which is invariably controlled by government officials but implemented largely through volunteers to give a sense of participation to the civil population in the war efforts of the country. We too should not neglect this aspect of defence. We are, however, surprised to learn that the central government is seriously considering cutting down the civil defence organization by downgrading the director-general of civil defence to the rank of a deputy secretary and excluding from his control "the bomb disposal organization." If this is so then we would suggested that this decision should be reconsidered.

243. Under modern conditions where the enemy possesses nuclear capability or can produce biological and chemical weapons, as India does, civil defence should also not ignore the feasibility of providing protection to the civil population from the devastating effects of such warfare.

244. We also understand that a report on the reorganization of civil defence was produced on the basis of the experience of the 1965 war but it is still pending consideration by the government. This should be taken up for consideration.

245. Experience during the 1971 war shows that there was no integration at all between the civil defence directorate and the early warning system of the PAF, for, the civil population invariably got the warning after the enemy planes had left and on many occasions the enemy reappeared as soon as the all clear signal was sounded.

Thursday 18/1

246. There was no plan also for the evacuation of civil population from border areas which were likely to be affected by enemy action. As a result a very large number of people were rendered homeless in the Shakargarh area. No warning was given to them to shift to safer areas. Some of them also lost their lives and properties.

247. We have also noticed that the fire fighting arrangements, particularly in big cities and in industrial areas like Karachi, were hopelessly inadequate. Normally industries like oil industries which keep highly inflammable tanks exposed to the air or other installations or equipment which are likely to catch fire easily, should be made responsible for making proper arrangements for the protection of their own installations against fire during a war. The fire in the oil farm near Karachi dockyard caused by a missile hit could not be controlled for 4/5 days and an expert had to be flown out from Iran to instruct our fire fighting units as to the best method of coping with such a fire. This was clearly the responsibility of the companies owning these oil installations or storage tanks. It is a mistake to have these large storage dumps of inflammable material located near ports or railway stations or other vulnerable points.

Arrangements should be made to disperse them and the companies owing them should also be made responsible for making more adequate arrangements for their protection against fire.

248. Civil defence, we think, should be given its due importance in the overall defence scheme of the country and each department of government should be made responsible to provide not only the finances necessary but also the manpower necessary for implementation of the part it is expected to play in the civil defence scheme of the country.

249. The function of destruction of unexploded bombs should also be the function of the civil defence authorities.

250. The central government should also accept responsibility for the overall control and organization of the civil defence of the country. It would be unfair to place all the burden on the provincial governments, although execution of any scheme of civil defence must necessarily be the responsibility of the provincial governments.

Annexure 'A'

ACK ACK allocations - December 1971

1. Field Army
 - 22XLAA batteries
 - 22XLAA batteries
 - 37Xlaa Mujahid Coys.
3. PAF
4. Navy
 - 1 x LAA Battery
5. Misc. (PAF, navy and Karachi area)
 - 6 x HAA batteries

Total: 99 batteries

Note: - HAA regiments have three batteries each and LLA regiments have four batteries each.

LAA requirements of the field army

Formations	Allocation
12, 18, 23, 33 Div and	
Northern Area (1 regiment each)	20 batteries.
1, 2 and 4 corps (two regiments each)	24 batteries.
Armoured division (one regiment each)	8 batteries.
Army reserves	12 batteries
Total:	64 Batteries.

Annexure 'B'

Composition — Air defence committee

Chairman: Chief of air staff.

Deputy chairman: Chief of staff, PAF.

Service members:

JCS

chief of joint secretariat, JSC.

director of joint land and air warfare

C/o GHQ(MO Dte).

GHQ

director of artillery, GHQ.

director of military operations, GHQ.

director of signals, GHQ.

AA Bde commander 3 (Indep) AA Bde Group.

NHQ

deputy chief of naval staff (Ops), NHQ

director of naval operations, NHQ.

director of signals, NHQ.

staff officer (gunnery), NHQ.

AHQ

assistant chief of air staff (Ops), AHQ.

director of operations, AHQ.

director of plans, AHQ.

director of signals, AHQ.

GP Capt. air defence, air defence HQ, PAF.

deputy director of operations (air defence), AHQ.

Civilian members:

Joint secretary (planning and coordination), cabinet division. Director-general of civil defence, ministry of home and Kashmir Affairs, states and frontier regions (home affairs division), secretary.

GSO-1 (Ops and plans) JCS.

Terms of reference - Air defence committee:

1. To be responsible for the coordination of air defence plans approved by the joint chiefs committee.
2. To ensure that service headquarters implement air defence plans. To maintain contact with civil department for watching progress of civil air defence plans. Note: - In war all resources allocated for the integrated air defence of Pakistan will come under the operational control of C-in-C, PAF.

Annexure 'C'

Summary of air defence requirements

LAA	64 batteries.
Field army	171 batteries.
Important installations	
PAF	85 batteries.
Navy	7 batteries.
Total:	327 batteries.
HAA/Missiles	
PAF Bases	9 batteries.
Centres of civil population and industries	6 batteries.
Total:	15 batteries.
Grand Total:	342 batteries.

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SURRENDER IN EAST PAKISTAN

We turn now to an examination of the circumstances immediately preceding and leading to the surrender of Dacca. It is from 6th December onwards that messages started coming in from Dacca depicting an increasingly grim military situation.

2. We have in another part of this report stated the situation in the United Nations, as it developed, and do not mean to detail it here all over again. Suffice it to say that, despite Gen. Yahya's earlier reluctance to approach the Security Council, by this time that body had been moved by the United States of America. On 6th December 1971 the eastern command sent a fairly comprehensive message (G-1233) narrating the military position in some detail and stating that the command was now reaching pre-planned line of defences. The signal urged expedition of action referred to in an earlier signal from Rawalpindi promising foreign help. Again on 7th eastern command inquired when this foreign help was to be expected and it was informed that the matter was receiving "urgent consideration at the other end". On the same day, however, namely, the 7th, the Governor of East Pakistan, Dr Malik signalled as follows: -

"A 6905 (.) TPSEC(.) for President of Pakistan (.) it is imperative that correct sit in East Pakistan is brought to your notice (.) I discussed with General Niazi who tells me that they are fighting heroically but against heavy odds without adequate arty and air support(.) rebels continue cutting their area and losses in eqpt and men very heavy and can not be replaced(.) the front in eastern and western sectors has collapsed(.) loss of whole corridor East of Meghna river can not avoided(.) Jessore has already fallen which will be a terrible blow to the morale of pro-Pakistan elements(.) civil administration ineffective as they can not do much without communication (.) food and other supplies running short and nothing can move from Chittagong or within the province (.) even Dacca city will be without food after 7 days(.) without fuel and oil there will be complete paralysis of life (.) law and order situation in areas vacated by army pathetic as thousands of pro-Pakistan elements being butchered by rebels(.) millions of non-Bengalis and loyal elements are awaiting death (.) No amount of lip sympathy or even material help from world powers except direct physical intervention will help(.) If any of our friends is expected to help that should have an impact within the next 48 hours(.) if no help is expected I beseech you to negotiate so that a civilized and peaceful transfer takes place and millions of lives are saved and untold misery avoided(.) is it worth sacrificing so much when the end seems inevitable (.) if help is coming we will fight on whatever consequences there may be".

3. To this the President on the same day replied as follows: -

"From President for Governor(.) your flash signal number A 6905 dated Dec refers(.) all possible steps are in hand (.) full scale and bitter war is going on in the West Wing(.) the world powers are very seriously attempting to bring about a ceasefire(.) the subject is being referred to the General Assembly after persistent vetoes in the Security Council by the Russians(.) a very high-powered delegation is being rushed to New York(.) please rest assured that I am fully alive to the terrible situation that you are facing(.) Chief of Staff is being directed by me to instruct General Niazi regarding the military strategy to be adopted(.) you on your part and your government should adopt stringent measures in the field of food rationing and curtailing supply of all essential items as on war footing to be able to last for a maximum period of time and preventing a collapse (.) God be with you (.) we are all praying".

4. On 9th a signal appears to have arrived from the governor bearing No. A-4660, of which we have not been able to trace a copy anywhere. However, the answer that was sent to him on the same day by the president, being message No. G-0001, would indicate that the governor was making some proposals which would result in the termination of hostilities on the eastern front.

The message is in these terms: -

"From President to Governor repeated to Comd Easter Command(.) your flash message A-4660 of 9 Dec received and thoroughly understood (.) you have my permission to take decision on your proposals to me (.) I have and am continuing to take all measures internationally but in view of our complete isolation from each other decision about East Pakistan I leave entirely to your good sense and judgment (.) I will approve of any decision you take and I am instructing General Niazi simultaneously to accept your decision and arrange things accordingly(.) whatever efforts you make in your decisions to save senseless destruction of the kind of civilians that you have mentioned in particular the safety of our armed forces ... you may go ahead and ensure safety of armed forces by all political means that you will have to adopt with our opponent".

5. It is to be remembered that by this time Mr Bhutto had already left for the United Nations, although he in fact arrived in New York on the 10th. Clearly this message left the matter entirely to the good sense and judgment of the governor and the president undertook to approve of any decision that he might take. It would seem that it is in consequence of this that the famous message of Gen. Farman Ali, handed over to the Assistant Secretary General, Mr Paul Mark Henry, was delivered. That this became known immediately before Mr Bhutto's arrival in New York and the ensuing impact on our position at the United Nations we have dealt with elsewhere. General Farman Ali did in fact send a message protesting against being made responsible for offering surrender when all that he had done was to sign a document under instructions of the governor in exercise of authority conferred upon the latter by the president. Be that as it may, upon the 10th the governor informed the president that he was, in pursuance of the authority given to him, issuing a note to Mr Henry; this message is No A-7107 and is as follows: -

"A-7107(.) TOPSEC(.) for President of Pakistan (.) your G- 0001 of 092300 dec(.) as the responsibility of taking the final and fatal decision has been given to me I am handing over the following note to assistant secretary-general Mr Paul Mark Henry after your approval (.) note begins(.) it was never the intention of the armed forces of Pakistan to involve themselves in an all-out war on the soil of East Pakistan (.) however ... a situation arose which compelled the armed forces to take defensive action (.) the intention of the government of Pakistan was always to decide the issue in East Pakistan by means of a political solution of

which negotiations were afoot(.) the armed forces have fought heroically against heavy odds and can still continue to do so but in order to avoid further bloodshed and loss of innocent lives I am making the following proposals(.) as the conflict arose as a result of political cause ... it must end with a political solution (.) therefore having been authorized by the president of Pakistan to hereby call upon the elected representatives of East Pakistan to arrange for the peaceful formation of the government in Dacca(.) in making those offer I feel duty bound to say the will of people of East Pakistan would demand the immediate vacation of their land by the Indian forces as well(.) I therefore call upon the United Nations to arrange for a peaceful transfer of power and request(.) one(.) an immediate ceasefire(.) two(.) repatriation with honour of the armed forces of Pakistan to West Pakistan(.) three(.) repatriation of West Pakistan personnel desirous of returning to West Pakistan(.) four(.) the safety of all persons settled in East Pakistan since 1947(.) five (.) guarantee of no reprisals against any person in East Pakistan(.) in making this offer ...I want to make it clear that this is a definite proposal for peaceful transfer of power and the question of surrender of the forces would not be considered and does not arise and if this proposal is not accepted the armed forces will continue to fight to the last man (.) note ends(.) General Niazi has been consulted and submits himself to your comd(.) request your immediate approval”.

6. It is obvious that a message of this kind would do a great deal to frustrate our efforts at the United Nations and did in fact have an adverse effect. Even so, what was actually proposed was certainly not as bad a position as would have occurred and did in fact occur if Dacca surrendered before the United Nations Security Council could be persuaded to pass a resolution of the kind that we desired, or more correctly, if Russia could be induced to refrain from vetoing such a resolution.

7. Despite having authorized the governor to take what steps he thought right, the president reacted very adversely to what he had done and in a somewhat pre-emptory message disapproved of his action. He sent the message No. G-0002 on the same day at 7.10pm, it reads thus: -

“From President of Pakistan(.) your flash message A-7107 of 10 Dec(.) The proposed draft of your message has gone much beyond what you had suggested and I had approved (.) It gives the impression that you are talking on behalf of Pakistan when you have mentioned the subject of transfer of power ... political solution and repatriation of troops from East to West Pakistan etc. (.) This virtually means the acceptance of an independent East Pakistan(.) The existing situation in your ... are requires a limited action by you to end hostilities in East Pakistan(.) I therefore suggest a draft which you are authorised to issue(.) Quote(.) In view of complete sea and air blockade of East Pakistan by overwhelming Indian armed forces and the resultant senseless and indiscriminate bloodshed of civil population have introduced new dimensions to the situation in East Pakistan(.) The President of Pakistan has authorized me to take whatever measures I may decide(.) I have therefore decided that although Pakistan armed forces have fought heroically against heavy odds and can still continue to do so yet ... in order to avoid further bloodshed and loss of innocent lives I am making the following proposals: one(.) An immediate ceasefire in East Pakistan to end hostility(.) two(.) Guarantee of the safety of personnel settled in East Pakistan since 1947(.) three(.) Guarantee of no reprisal against any person in East Pakistan (.) four(.) Safety of all armed forces personnel in East Pakistan (.) I want to make it clear that this is a definite proposal of ending all hostilities and the question of surrender of armed forces would not be considered and does not arise(.) Unquote(.) within this framework you may make additions or changes as you desire(.) the question of transfer of power and political solution will be tackled at national level which is being done”.

It would be noticed that in this message the general speaks of tackling the political question after the ceasefire and withdrawal of all troops.

8. Again on 14th December 1971 by message No.G-0012 Gen. Niazi was urged to hold on a little longer in the hope that a ceasefire resolution would soon be passed by the United Nations. Indeed the message stated that it was only a matter of hours before that would be done. This message was sent at 12.35am in the morning. Yet on the same day at 1pm another message was sent to Gen. Niazi No.G-0013 stating the "further resistance is neither humanly possible nor like to serve any useful purpose", and, therefore, ordering him to take necessary steps to stop the fighting and preserve the lives of all armed forces personnel and of loyal elements. Curiously enough, this was an unclassified message, which would have been and probably was easily intercepted by the Indians. In the meantime Gen. Manek Shaw of the Indian army broadcast a message on the All India Radio demanding a surrender and offering certain terms. A few minutes before the midnight between 15th and 16th Gen. Hamid, presumably with the approval of Gen. Yahya, sent a message to Gen. Niazi recommending that he accept the terms offered by Gen. Manek Shaw although he left the decision to Gen. Niazi. From the evidence of various officials, who met the President in Pindi at about that time, it seems that he, by reason of personal knowledge of Gen. Manek Shaw, was willing to believe in the good faith of Gen. Manek Shaw and the trustworthiness of this word.

9. We have outlined the course of messages between the president and the authorities in East Pakistan. The other side of the picture is that even at that late hour our permanent representative to the United Nations, Mr Agha Shahi, and the leader of our delegation, Mr Z.A.Bhutto, believed that, despite Russia's repeated vetoes a few hours further resistance would probably have yielded a more favourable result in the world body. This aspect, of course, we have examined elsewhere.

10. A third aspect of the matter is one which comes out from the evidence of various secretaries who waited on the president between 10th December and 17th December. On the 10th, feeling worried over the situation the secretaries urged that the president invoke Chinese and American help, since, if it was not then given, it would in any case be too late. The president answered that he had already taken the necessary steps in that regard and went on to say that the Russians would ensure the end of hostilities if Pakistan would agree to:

- (1) An immediate ceasefire.
- (2) The withdrawal of the troops, and
- (3) Political talks with the Awami League.

Regard being had to the gravity of the situation in East Pakistan and the disappointing result of our opening the Western front, we do feel surprised that if indeed Russia was prepared to go so far on the 10th, we should still not have found it possible to accept the terms offered. It would seem that, so obstinately was Gen. Yahya opposed to any question of political negotiation with the Awami League that literally anything was preferable to such loss of dignity. It was already increasingly clear that, unless the United Nations intervened, we would be forced to accept not merely political negotiations but political and military surrender at the point of the gun soon. It is an uncharitable comment but we can only believe that weighed against personal pride, national pride was, to the general, of little importance.

11. On the night of 15th December, while deciding to instruct or at least authorise Gen. Niazi to accept Gen. Manek Shaw's terms the text of a broadcast to be made on 16th was prepared. It is remarkable that in this broadcast the general intended to say, and in fact did say, that the defeat in the eastern theatre, by no means, meant the end of the war and that he would continue fighting. To a suggestion made by the secretaries that he should also say that this would not mean perpetuation of Martial Law in the west and that his plan for transfer of power would proceed unimpeded, the general appeared not to have been responsive.

12. We turn then to examining whether in the situation that we have stated, Gen. Niazi was justified in accepting the surrender. The evidence before us indicates that although, to expect that he could hold on

indefinitely or even for a very long period of time was over-optimistic, nevertheless, things had not yet come to a pass that he was left with no other alternative. The nearest Indian troops were at that time 16/17 miles away. From such evidence, as we have before us, it seems that there were about 24,000 troops available in Dacca. It is true that not all of these were actually combat troops, that category being roughly 16,500 but in the face of a situation of the kind which then existed the question does arise whether they could not have held on longer, particularly in the light of Gen. Niazi's bold statements, that Dacca would fall only over his own dead body.

We think the question must depend upon how long exactly Gen. Niazi was being called upon to hold on. The assessment, as we have seen, of our delegation at the Security Council was that even a few hours would have made all the difference. If that is so then decidedly, we think, General Niazi could, with some effort and no doubt at the cost of some human life, have held out. The will of the troops under his command in Dacca and the rest of the province had by no means given way. Indeed even after he formally surrendered and ordered all Pakistan troops to capitulate, his orders were not generally obeyed. Resistance continued in many areas and determined efforts, some successful, were made, to escape: many officers and men declined to regard his orders as the lawful commands of a superior which they were legally bound to obey. General Niazi's instructions from Rawalpindi were, to put on them the construction most favourable to himself, no more than an authorization to surrender or, at least, advice to accept the terms offered by Gen. Manek Shaw. They were not, in terms, an order to surrender so that there was no question but that, in taking the action he did, he alone was the judge of its propriety. In these circumstances, refusal to surrender might have gained us favourable terms at the United Nations and would, at least, have saved the army from an ignominy and public humiliation unprecedented in the history of Muslim soldiers.

14. We do not have before us, however, the principal actors in the drama at Dacca, namely, Governor Malik, Gen. Niazi and Gen. Farman Ali, since it is unfair to condemn them without hearing them.

15. On the other hand Gen. Yahya Khan cannot claim, as possibly Gen. Niazi might, that he did not have all the relevant information. He was being urged from New York to ensure continued resistance for a little more time. He had already seen how disastrous the impact of Gen. Farman Ali's message, later described as "unauthorized", was upon our efforts at New York. He had himself on the 14th recommended continued resistance. If indeed, militarily, the general was of opinion that Dacca could no longer be held, it is difficult to see why he could not have come to that opinion, at least, a week earlier than the actual surrender. It is true of course, that events were not waiting during this period, but what happened during this one week was surely not, for a military commander of Gen. Yahya's experience armed with full knowledge, difficult to anticipate. He had refused to accept political settlement with the Awami League when peace was being offered on those terms by no less a country than Russia, whose veto power alone stood in the way of any favourable United Nations Resolution. We are at a loss, therefore, to understand what indeed made him to authorise, even advise, Gen. Niazi to surrender. To political settlement as we have seen, he continued to be obstinately averse to the end. The inference that is virtually forced upon us is that, having seen that, under no circumstances, could he continue in personal power over East Pakistan, he was making a last bid to keep himself in power in the West. As we have discussed elsewhere in this Report, even on 16th he was ready to promulgate a constitution, the prominent feature of which was the perpetuation of his own power.

16. In the result, therefore, although, unable to reach any final finding in respect of the conduct of Gen. Niazi and Gen. Farman Ali, we have not been able to escape the conclusion that Gen. Yahya allowed the country to blunder into a war from which no good result could be expected and to continue in the course of his obstinate conduct merely because he would not, at any cost, agree to a political solution of the country's troubles and finally to permit, even instigate, a surrender humiliating to the nation and without parallel in the history of Islam.

23

CEASEFIRE IN WEST PAKISTAN

On the morning of 17th December, 1971 the prime minister of India, having succeeded in securing the capitulation of Dacca, announced that she would unilaterally order a ceasefire on the western front with effect from 9pm that evening. It was now up to Pakistan to accept or not. Consequent on this broadcast it would seem that the secretaries to the Government of Pakistan, concerned with the situation, decided to wait upon Gen. Yahya with Mr M.M.Ahmed at their head and as their spokesman. When they were received by the president, already present were General Hamid, Air Marshal, Rahim Khan, General Gul Hassan and General Peerzada. It was in the minds of the secretaries to suggest that they should accept the ceasefire but announce it in such terms as to mean that in doing so we were accepting the UN General Assembly's resolution and also to request the insertion in the draft of some conditions which included the demand of withdrawal of troops from both theatres of war and the induction of a UN force in East Pakistan.

2. Before the secretaries assembled, however, the president had already come to the conclusion that he had no alternative other than to accept the ceasefire. Earlier in the morning he had been visited by the American ambassador who wanted from him a firm answer to the question whether he meant to accept the ceasefire. The purpose of the American ambassador was that, in the event that he did not would have to take immediate steps for the evacuation of Americans, because Pakistan would not longer be a place if to live in. He went on to say that he was quite sure in his mind that India would be happy if we refused to accept the ceasefire and would, in a very short span of time, completely overrun West Pakistan. Gen. Yahya consulted his close military associates, whom we have named above and, in particular, he stated the view of the American Ambassador that India had shifted twelve of her air squadrons from the eastern front and would so quickly bombard our air fields that the ninety odd aircraft that we had would not have a place to land upon. Nobody seems to have disagreed with the President in his assessment and indeed Air Marshal Rahim Khan demurred to the extent only that India had shifted eight, not twelve, squadrons.

3. Having thus already made up his mind Gen. Yahya rejected entirely the advice of the secretaries to impose any conditions. He was of the view that to do so would amount to a conditional acceptance only, thus enabling India to turn round and say that, since her offer had not been accepted in terms, she was no longer bound by it. Quite clearly he had the view of the American ambassador in mind. Indeed Mr Sultan M.Khan then foreign secretary stated that the American ambassador's conversation with the president was not merely advice but amounted to an ultimatum. We are not quite sure that so harsh an expression as "ultimatum" describes the position accurately; it would, we think, be more correct to say that it amounted to a warning of what was likely to take place.

4. The question then arises whether we were justified in accepting the ceasefire. We are aware that the announcement accepting it came as a bitter surprise to our people. This is really because they had been so completely shielded from the truth that they confidently expected major victories by our Army in the West. This confidence was shaken by the fall of Dacca but revived by the president's announced determination to go on in the West.

In the circumstances, however, we are unable to see that, given the situation prevailing on that date, we really had any other option. We have spoken elsewhere of the wisdom or otherwise of opening the second front. We have come to the conclusion that if that front was to have any meaning at all it should have been opened considerably earlier than in fact it was. We have also seen that in fact the second front made no real progress. General Yahya now states that the reason why the planned offensive was unable to go through was because Air Marshal Rahim Khan expressed his inability to give the necessary air support. Air Marshal Rahim Khan on the other hand says that he had promised to give support for an advance up to Bhatinda which in fact he did give. He states that his promise to give further support was conditional upon the army, by that time utilising the support already given to capture Sirsa which it had failed to do. In any view of the matter, therefore, the second front had not yielded any result.

5. So far from relieving pressure on East Pakistan the opening of the second front had only escalated India's aggression in the East. We had not succeeded in obtaining any Indian territory of size or importance to strengthen our future bargaining position. On the contrary the concept of involving Indian troops into our territory with the purpose of eventually cutting them off had virtually resulted in an invitation to the Indian troops to stroll in at their leisure and seize from us territory of size and importance.

6. The initial purpose, therefore, of the second front not having succeeded, we must ask ourselves what would be the purpose of continuing fighting on the Western front. The only good reason for doing so would be a reasonable expectation that we would considerably improve our position on the ground and accept ceasefire at a time more convenient to ourselves. We would hardly have entertained any real hope of such an achievement. Past performance at any rate was not an encouragement. Time was definitely against us in as much as every day would make it easier for India, relieved of her commitment in the East to bring additional troops to the West. She had already brought considerable reinforcement to her air fleet. The outlook, therefore, we think, was clearly pessimistic.

7. Even assuming, however, that until India could bring additional troops, we were in a position to advance into Indian territory, surely India would be able to hit back after she was reinforced from the East. When she was so able, we would have no means to compel her to accept a cease-fire nor would world opinion been in the least likely to act in our favour or in any case by a deterrent to India.

8. Painful though the conclusion is, we are therefore, of opinion that, viewed in any context of the matter, the decision to accept the ceasefire on 17th was not merely a correct decision but indeed our only option. The blame lies not in the fact that we made this decision on 17th but that we allowed a situation to come into existence which left us with no choice but to accept the ceasefire at a time when the enemy had made gains in our territory and on a front which we ourselves had chosen to open.

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HIGHER DIRECTION OF WAR

1. It will be recalled that in an earlier chapter, while dealing with the formulation of defence plans, we have pointed out that although an elaborate machinery existed, at least on paper, for taking policy decisions in matter of national defence, yet the former President, General Yahya Khan, did not make any use of the collective wisdom and experience of these agencies. Vital decisions touching the very existence of the State appear to have been taken by him without their implications having been processed through the institutions which had been created for examination and debating such issues and tendering advice to the government. There was complete absence of methodology and institutionalisation in dealing with these matters. Some of these decisions were obviously individual decisions of General Yahya Khan, while other were taken in consultation with some senior army officer who enjoyed his confidence and occupied positions of importance in the chain of military command and in the Martial Law Administration. It was, however, a remarkable feature of General Yahya Khan's administration that, as deposed before us by one of his senior Ministers, namely, the former Chief Justice of Pakistan, Mr. Justice A.R. Cornelius, and his principal Staff Officer on the Martial Law side, Lt. General S.G.M.M. Pirzada, it was not possible to argue with the General on any issue and very often he would close the discussion by saying that he would give his decision later. Accordingly, it was not always easy to understand the reasons for many of the decisions made by him in controversial matters. These features are perhaps inherent in any military dictatorship, but they are nevertheless fatal for national security.
2. In more concrete terms, decisions like taking military action in East Pakistan, the refusal to evolve a political solution of the East Pakistan crisis in the face of developing Indian military threat, the opening of the second front in West Pakistan, the ordering of surrender in East Pakistan and the acceptance of India's unilateral offer of cease-fire in West Pakistan were taken by General Yahya Khan either on his own or at best in consultation with some of his close army associates, but not as a result of detailed examination and discussion by the body of persons constituting the various committees and agencies whose business it was to tender advice to the President on these matters. High officials like the Defence Secretary and the Foreign Secretary have informed us that they learnt of the war in West Pakistan only through radio announcements, and that the surrender in East Pakistan came as a terrible shock to them, for they were at no time kept fully in the picture by the military regime as to the true state of affairs in that province. Same was the case with General Yahya Khan's decision regarding acceptance of cease-fire in West Pakistan, with the exception that when several Secretaries to the government arrived at the President House on the morning of the 17th of December, 1971 they found that the Foreign Secretary had already drafted a statement which was to be broadcast in the name of the President. Only on the previous evening General Yahya Khan had told the nation of this determination to

fight on despite the reverses suffered in East Pakistan. We mention these facts only to show that, in the absence of an elected government at the helm of affairs, the highest civilian officials, whose business it was to advise the government in these matters, were not fully taken into confidence. This is indeed a said commentary upon the manner in which national affairs were conducted at the highest level.

3. Another aspect of the matter, to which also attention has already been drawn, is that there was an utter lack of joint planning by the three Services, except to the extent that the Commander-in-Chief of the Pakistan Airforce was brought into the picture by the General Headquarters while planning the army offensive. This was due not merely to the geographical distances separating the three service Headquarters located at Karachi, Rawalpindi and Peshawar, respectively, but also due to the fact that there was no organisation to undertake the preparation of joint and integrated plans for the defence of the country. The Joint Chiefs Committee and the Joint Warfare Directorate do not appear to have provided the necessary coordination in this behalf. The Defence Committee of the Cabinet, of course, never met during General Yahya Khan's regime, and the Ministry of Defence did not exercise any control whatsoever in this matter. As a result the three services have been developing more or less independently and defence decisions have mainly been of an ad hoc nature guided not by any long term objectives formulated with regard to the kind of force structure demanded by the changing pattern of threat, developments in weapon systems and developing concepts of joint warfare, but based instead upon independent evaluation of various contingencies of each Service without regard to the best utilisation of our limited resources. Another serious consequence of lack of proper higher direction for defence was that there was no joint strategic planning, thus leaving critical gaps in our overall capability for war. The Services had no coordinated plans for joint operations and at no time during the war did the three Commander-in-Chief sit together.

4. Consequences of this lack of coordination between the three services were reflected not only in the absence of a long term defence development plan, but also in the individual events of the 1971 war, like the non-availability of air support for our offensive in the Rajasthan sector, the poor inter-Service organization for the defence of Karachi harbour, the withdrawal of the Pakistan navy into harbour owing to the non-availability of air support to meet the threat of missile boats the absence of any integrated plan for the evacuation of the armed forces personnel from East Pakistan in the even of its being overrun by the enemy, and, the loss of opportunity to the Pakistan Navy to carry out a pre-emptive strike by its submarines on 3rd December, 1971 in the same manner as was available to the Pakistan Airforce on the opening of the Western front. Matters like activating the Jacobabad airfield and providing forward air cover to the army offensive, which was of course never launched, were all left to be regulated by an oral understanding between the Chief of Staff of the Pakistan Army and the Commander-in-Chief of the Pakistan airforce. Another interesting example of this lack of unity of thought is to be seen in the statement made by General Yahya Khan as well as by his Chief of Staff, General Abdul Hammed Khan, that one reason for abandoning the army offensive in the south was the inability of the Pakistan Airforce to provide the necessary air cover, whereas the claim made by Air Marshal Rahim Khan is that he was preserving the major part of his force to support the army offensive in the south, and it was accordingly a great disappointment to him when this offensive was called off by the army authorities without consulting him. This divergence of views between the two Commander-in-Chief highlights the fact that fighting a war is much too serious a matter to be left to be regulated by informal evening discussions and consultations at the President's House over a Whiskey and Soda instead of by business-like coordinated professional planning conducted with the assistance of the relevant staff on both sides. Unfortunately such a methodology was conspicuous by its absence, even between the Pakistan Army and the Pakistan Airforce, leave alone the Pakistan Navy located a thousand miles away at Karachi.

5. On the discovery of these facts and circumstances we considered it necessary to undertake a detailed study of the machinery existing in Pakistan for the higher direction of war, and to compare it with

corresponding organization functioning in other countries with a democratic war of life. As result, we have come to the conclusion that there is imperative need for introducing certain essential changes in our defence set up so as to make it more effective and collectively responsible for the defence of Pakistan. It seems to us that reforms are needed in two directions:

- (a) Certain existing agencies need to be revived and their functions enlarged, and
- (b) Certain new organizations or committees also need to be established to fill the lacunas in the existing organization.

6. In order to place the matter in its proper perspective we may first have a quick look at the existing defence organisation in Pakistan. On paper this organisation is as impressive as obtaining in any other country.

Existing organization for higher defence policy planning and conduct of war

Introduction:

7. The various components of higher defence organization in Pakistan are as follows: -

- (a) The president and his cabinet.
- (b) The Defence Committee of the cabinet, assisted:
 - (1) On the civil side, by the secretaries Coordination Committee on Defence Planning and its various supporting committees.
 - (2) On the military side, by the Joint Chiefs Committee comprising the Supreme Commander and the three Services Chiefs, supported by a number of Inter-Services Committee, and certain joint services organizations.
- (c) The Ministry of Defence.
- (d) The Services Headquarters and the various Inter-Services Establishments.

8. The role and functions of the above-mentioned components of the higher defence organization in peace and war are explained in the following paragraphs. A chart showing the existing organization is at Appendix 'A' The President and his cabinet:

9. The President is the Chief Executive of the country and the Supreme Commander of its armed forces. The Council of Ministers (the cabinet) collectively and individually are responsible to the president for assisting him in the formulation of policy, including policy on various aspects of national defence, as well as ensuring execution of the approved policies. In accordance with Rule 4 (I) of the Rules of Business "no important policy decision shall be taken except with the approval of the President." The ultimate responsibility for the defence of the country therefore rests with the President.

Defence Committee of the Cabinet:

10. The president, along with the ministers more closely concerned with defence policies, comprises the Defence Committee of the Cabinet. In accordance with the terms of reference contained in Cabinet Division document 42/7/69-P&C, the DCC is charged with the following responsibilities: -

- (a) To keep the defence situation as a whole constantly under review so as to ensure that our defence arrangements and foreign policy are in line.

- (b) To call upon the Joint Services Commanders Committee (JCC) to produce appreciations and plans to carry out the defence policy so laid down.
- (c) To keep under constant review the plans dealing with preparedness for war and to issue directions for execution action to be taken in peace.
- (d) To ensure implementation of various defence plans by the central and provincial agencies and the services.
- (e) To supervise the conduct of war on the out-break of hostilities.
- (f) To consider cases involving vital political, economic, industrial and administrative policies having a bearing on the war potential of the country.
- (g) To consider cases which a ministry thinks important enough to discuss by the Committee.
- (h) To consider any case desired by the president to be referred to the Committee.

11. The composition of this committee has varied from time to time. During the last regime, after dissolution of the ministerial council, the DCC was replaced by the President's Committee on Defence, with advisers of president and secretaries in-charge of the concerned ministries as members. The composition of the DCC and the President's Committee on Defence at different times is given at Appendix 'B'

12. The Cabinet Division is responsible for providing secretariat facilities to the DCC, and the cabinet secretary is the convener of its meetings. No specific period for holding DCC meetings has been laid down. During the past five years only two meetings of the DCC have been held -- the last having been held in Nov 1968.

Defence Planning and Coordination:

13. The present organization for defence planning and coordination is based on a system of committees, some standing, others ad hoc, which are required to consider various aspects of defence preparedness and plans and make recommendations for consideration by the DCC. In the civil sector, there are 26 such standing committees (List at Appendix 'C') composed of representatives of the concerned ministries/departments as well as the defence services. These committees are presided over by the secretaries of the ministries in the administrative charge of the subject. The reports prepared by these committees are examined by secretaries Coordination Committee on Defence Planning before these are put up to the Defence Committee of the Cabinet.

14. Secretaries Coordination Committee.— The Secretaries Coordination Committee on Defence Planning with Cabinet Secretary as Chairman and Chairman of all Committees on Defence Planning together with Chiefs of the Joint Secretariat as Members, are responsible to the DCC for the following: -

(Cabinet Division No. 42/7/69-P&C refers): -

- (a) To frame policy in the light of the general directions given by the President/DCC for the defence of the country.
- (b) To keep under constant review the country's preparedness for war and to make recommendations to President/DCC for any executive action that the committee considers the government should take in this regard.
- (c) To advice DCC on cases of vital political, economic industrial and administrative importance having a bearing on the war potential of the country.
- (d) To periodically review the work of the committees and sub-committees on Defence Planning.
- (e) To guide and assist these committees and sub-committees in finalizing their recommendations by clearing the points of doubt or dispute.

- (f) To watch the progress and ensure implementation of decisions taken by the President/DCC.
- (g) To ensure proper coordination both between the Central Government and the Services and the Centre and the provinces.

15. Secretaries Coordination Committee is thus the highest official body responsible for planning for war in the civil sector and ensuring that these plans fulfil the requirements of the defence forces and are kept up-to-date. It is the degree of meticulous planning done by these committees that enables the government's machinery to move from a state of peace to a state of war quickly and methodically.

16. Based on the reports of the various supporting committees on Defence Planning, the Cabinet Division prepares a 'War Book', which aims at: -

- (a) Providing in a concise and convenient form a record of the measures which are involved in passing from a state of peace to a state of war.
- (b) Ensuring that all ministries/divisions know the precise measures required of them at each stage of the process and also that the action of the several ministries/divisions and the provincial governments is closely and continuously coordinated; and
- (c) Indicating to the provincial governments the nature and extent of the action which may be required of them so that they have plans prepared in peace time to give effect to the measures necessary in various stages given in the war book.

17. Based on the Central War Book each ministry/division and department as well as the provincial governments prepared their respective war books which are kept up-to-date through periodic reviews initiated by the Cabinet Division. The Central War Book was last revised in 1970.

18. Very recently (Jan 1972) a Standing Committee has been set up under the chairmanship of the secretary-general with secretaries Defence, Finance, Foreign Affairs and the Cabinet and three Services Chief or their Chiefs of Staff as members, for coordination on defence strategy at the national level. This committee, called the Defence Strategy Coordination Committee, is required to serve as a Working Group of the DCC where matters requiring DCC decisions will be discussed in greater detail before presentation to the DCC. This Committee would also follow up implementation of the decisions of the DCC and take decisions on its behalf where required, in between the meetings of the DCC. Matters requiring studies in depth will be given by this committee to the existing supporting committees on defence planning or ad hoc committees specially formed for the purpose. The Defence Strategy Coordination Committee will primarily concern itself with defence matters relating to the present Emergency and requiring urgent attention. The need for this committee will be reviewed after the present Emergency is over.

19. At present, there is no permanent staff for defence planning except a small staff in the Cabinet Division, whose main function is to coordinate the activities of and provide secretarial facilities to the various standing and ad hoc committees on defence planning, except the newly-constituted Standing Committee on Coordination of Defence Strategy to which secretarial facilities are provided by the Joint Chiefs secretariat.

Military Strategy and Logistic Planning:

20. While individually responsible directly to the President, as Supreme Commander, for the administration and operational effectiveness of their respective services in peace and war, the three Commander-in-Chiefs are collectively responsible to the government for professional advice on strategy, military operations and on defence planning. Their collective advice is tendered: -

- (a) When invited to attend meetings of the DCC, and
- (b) Through the Joint Chiefs Committee of which the President, as Supreme Commander, is the Chairman.

21. Joint Chiefs Committee: The charter, functions and composition of the JCC are as follows: -

- (a) Charter: The Joint Chiefs Committee will evolve the overall strategic plan for the defence commitments of Pakistan and will direct the effort of the armed forces and any other forces that may be placed under their command from time to time towards the fulfillment of these plans both in peace and war, under the overall direction of government.
- (b) Functions: The committee will assist the Supreme Commander in: -
 - (1) Formulating strategic and logistic plans and implementation thereof in peace and war.
 - (2) Keeping under review major military material and personnel requirements for the above plans.
 - (3) Formulating proposals for the allocation of the defence budget to each service in the light of the role allotted to it.
- (c) Composition: The composition of the Joint Chiefs Committee is as under: -
 - (i) Supreme Commander (Chairman)
 - (ii) Commander-in-Chief, Army (Member)
 - (iii) Commander-in-Chief, Navy (Member)
 - (iv) Commander-in-Chief, Air Force (Member)
 - (v) Chief of Joint Secretariat (Secretary). Secretary, Ministry of Defence attends all meetings of the JCC.
- (d) Since the Supreme Commander remained mostly pre-occupied with his presidential duties and could not frequently chair the meetings of the Joint Chiefs Committee, it was decided in Aug 1965 that the Commander-in-Chief should hold pre-JCC meetings, which should be chaired by the Army C-in-C/COS (who was the senior member), in which matters required to be considered by JCC should first be discussed and resolved, and only important policy and operational issues would be placed before the JCC meetings. During 1967-69, when a Minister for Defence was also included in the Presidential Cabinet, he chaired the pre-JCC meetings and attended full JCC meetings. However, very few JCC meetings as such were held in the past seven year (since July 1964 only once JCC meeting was held in August 1967, but no agenda was drawn nor any minutes recorded of this meeting).

22. The Joint Chiefs Committee is served by a number of Joint Services Standing Committees and the Joint Chiefs Secretariat. Amongst the former are the Air Defence Committee, Inter-Services Standardization Committee, Inter-Services Armament Committee, Inter-Services Explosive and Transportation Committee, Joint Services Communications and Electronics Board. In addition, there are a number of inter-services establishments which assist the Services Chiefs in their joint responsibilities. These are the Directorate Generals Inter-Services Intelligence, Defence Procurement and Munitions Production and Joint Warfare Directorate.

23. Joint Chiefs Secretariat: The current charter of duties of the JCS lays down: -

“The Joint Chiefs Secretariat will be responsible for the overall coordination and processing of Joint Services matters in the realm of planning and administration under the direction of the Joint Chiefs Committee, it will be a secretariat for the Joint Chiefs Committee and all other existing Joint Service Committees. It will also provide a link between Services Headquarters and Ministry of Defence on matters of joint services nature.”

24. Thus the JC are not a "Staff" of the Joint Chief Committee responsible for producing and keeping under review joint operational and logistics plans. Basically plans are prepared at the respective Services Headquarters in accordance with the role allotted to each service by the government through the War Directorate. These plans are coordinated through ad hoc inter-services committees appointed from time to time. An organization chart of the Joint Chiefs Secretariat is given at Appendix 'D'.

25. Ad hoc Committees: Occasionally, the Joint Chiefs appoint ad hoc Inter-Services Committees to produce joint appreciations and plans primarily to determine force goals. Once such committee was appointed soon after the Indo-Pakistan War of 1965 with the then CGS as Chairman, and DCNS (Operations), ACAS (Operations) and Chief of Joint Secretariat as members. The report of this committee, called "Yaqoob Committee Report", was later examined by the Special Secretaries Committee headed by Mr Fida Hassan, the then Defence Secretary, before it was put up to the president through the defence adviser. A similar Inter-Services Committee was formed in 1968 to determine the "Minimum Deterrent Force."

26. High-powered Resources Board: The requirements of the defence services are so disproportionately large compared to the financial resources of the country that the government has to appoint special committees, from time to time, to examine the proposals made by the Joint Chiefs in the light of available resources. Mention has already been made above of the Fida Hassan Committee which was appointed for this purpose. In 1968, a High-powered Resources Board was set up with minister for defence as chairman and minister for finance and deputy chairman Planning Commission as members with the following terms of reference: -

- (a) To determine the funds required, both in rupees and in foreign exchange, for the operation and maintenance of the existing force level in the three services and POF.
- (b) To determine the funds required for making up urgent deficiencies and imbalances in the existing force level.
- (c) To determine the quantum of funds, which can be made available by the national exchequer for defence, consistent with the country's resources and development needs.
- (d) If there is a deficiency between the requirements of the services and the availability of funds, to determine the order of priorities for each service as to what units should be put in reserve or disbanded.

In January 1970, the Board was reconstituted with minister for finance as chairman, deputy chairman Planning Commission, finance secretary and defence secretary as member, and the Services Chiefs cooped when necessary.

27. National Security Council: An important tool for defence planning is intelligence. In order to provide directions at the highest level to the various civil and military intelligence agencies in the country, the National Security Council was set up in 1968 with President as chairman and minister of Home and Kashmir Affairs as vice chairman. Its members included the Principal Staff Officer to the President, secretaries, ministries of Foreign Affairs, Defence, Home and Kashmir Affairs and Information, Director Intelligence Bureau, Director-General of Inter-Services Intelligence and heads of Provincial Special Branches. The functions of the National Security Council include, inter alia: -

- (a) To assess, frame and review the intelligence requirements of the government.
- (b) To provide guidance for planning purposes to the heads of the intelligence agencies and to set tasks and targets as also to allot priorities for their undertaking.
- (c) To review the working of the intelligence agencies and organize them in achieving the unity of purpose and aim.

28. The National Security Council has its own secretariat for the administration and coordination of the central as well as provincial intelligence agencies. The secretariat forms an independent division known as Security Council Division, and is headed by a secretary.

29. Directorate General of Inter-Services Intelligence: For the purpose of defence planning and appreciations the Directorate-General, Inter-Services Intelligence functions under the Joint Chiefs Committee and is responsible for: -

- (a) Security of the armed forces and coordination of all efforts in that connection within the defence services.
- (b) External and internal intelligence relating to military matters.
- (c) Coordination of intelligence through civil and military sources within the agencies concerned.

30. Broader responsibilities of DG ISI include keeping the president and the government informed of matters of external intelligence having a bearing on national security with particular reference to intentions and capabilities of foreign powers that pose an armed threat or subversion to Pakistan.

31. Joint Warfare Directorate: A joint Land/Air Warfare Directorate was set up in 1968 which was later expanded to include the elements of the Navy also and renamed as Joint Warfare Directorate. It is responsible for: -

- (a) Rendering advice on all aspects of joint planning relating to ground/ air operations.
- (b) Identifying all areas where joint operations are necessary and developing tactics/ techniques and procedures for the conduct of such operations.
- (c) Carry out research on suitability of weapons and equipment required for military support.

32. Director General Defence Procurement: DGDP is responsible for procurement of all stores required by the services both lethal and non-lethal. The DGDP also lays down policy and purchase procedures on procurement matters. It is also responsible to process the services requirements through diplomatic channels with the friendly countries for supply of military hardware and finalize loans, credits and barter deals.

33. Director General Munitions Production: Director General Munitions Production is responsible to maximize indigenous production of defence goods within the country with the ultimate aim of achieving self-sufficiency. They initiate all policy matters in respect of indigenous production of those items which are identified with the help of Services Chief and Director General Defence Procurement. They survey existing industrial potential and assist its augmentation for development of proto-types/ samples for major items of defence production. They are also responsible for collaboration with foreign countries/manufacturers, and scientific research and development for defence purposes. In their latter task they are assisted by Defence Service Organization which functions under the chairmanship of Director General Munitions Production.

Ministry of Defence:

34. The Defence Division of the Ministry of Defence as part of the Central Secretariat is responsible for conducting the business of government relating to the defence of Pakistan, its armed forces, ordnance factories and industries connected with war like stores, military lands and cantonments, defence works and defence matters pertaining to treaties and agreements with other governments. It is also responsible for administrative control of the civil departments attached to the defence.

35. Minister for Defence, when appointed, is responsible for assisting the president in the formulation of policy as well as for conducting the business of the defence and aviation divisions in the National Assembly.

He is responsible for all policy matters concerning the Ministry of Defence, subject to the provision that no important policy decision shall be taken by him except with the approval of the president.

36. Secretary, Ministry of Defence is the official head of the Ministry of Defence and aviation divisions and responsible for their administration and discipline. He assists the minister and the president in the formulation of policy, duly executes the approved policy, submits all proposals for legislation to the cabinet with the approval of the minister, keeps the minister and the president generally informed of the working of the divisions and of any important case disposed of by him without reference to the minister/president.

Organization for Conduct of War:

37. In accordance with Section 19 of the War Book the DCC will assume the functions of the War Cabinet. It will deal with the general affairs of war in conjunction with the Supreme Commander and the services Chief. It will also be responsible for taking decision on questions pertaining to War Book measures. The responsibility for deciding matters of operational nature connected with the day to day conduct of war will lie on the Supreme Commander. The Supreme Commander assisted by a small headquarters will discharge this function in consultation with the Services Chiefs.

38. During the 1965 Indo-Pakistan War, according to the Zuebri Committee Report on the National Defence Planning, "while the war was being fought, the Cabinet used to meet every morning. It took stock of the situation and gave decisions on issues affecting the successful prosecution of war. The cabinet meeting used to be followed by a meeting of the secretaries in which they took note of the cabinet decisions, made recommendations, on new problems and also reported progress on various government directives communicated to them earlier. The Cabinet Secretary who used to bring to the notice of the President/Cabinet the views of the secretaries and obtain orders was thus able to maintain a close and effective coordination between the President/Cabinet and the civil administration in matters connected with the war effort."

39. During the recent Emergency also somewhat similar action was taken by constituting an Emergency Committee under the chairmanship of the Defence Secretary. The task of this committee was to gear up all measures required in civil sector of the prosecution of the war and to achieve greater coordination between military requirements and the civil sectors ability to meet them. In the absence of a cabinet and the president/Supreme Commander's pre-occupation with the conduct of war, the desired degree of "higher direction" was not, however, forthcoming.

40. As far as conduct of military operations was concerned, no headquarters was set up for the Supreme Commander nor was the Joint Chiefs Secretariat utilized for the purpose during 1965 or 1971. Shortly before the wars, the Commander-in-Chief PAF moves to Rawalpindi, where an Air Operations Centre for the control of all PAF operations had been set up. The Commander-in-Chief, Navy set up a Maritime Operations headquarters in the NHQ in Karachi for the conduct of any joint naval/air operations but had to rely on telecommunication links for his contacts with the Supreme Commander and the other two Services Chiefs. Supreme Commander received daily briefings from and held frequent meetings with COS & CGS of the army and the C-in-C of the PAF.

Defence Systems in other countries:

41. The military staff attached to the Commission has taken great pains in preparing the details of the organizations obtaining in countries like UK, USA, Canada, Australia and France, with a view to comparing the same with our own organization and formulating our recommendations for its improvement. We do not think it necessary to burden this chapter with these details and have accordingly included the relevant

information in the Volume II of our report containing Staff Studies. For our present purpose it would suffice to mention the following common features: -

- (a) The Head of Administration (as distinct from the Head of State) has the overall responsibility for ensuring proper defence of the country.
- (b) No Head of State in his capacity as the Supreme Commander of the country's armed forces is provided with a Supreme HQ to exercise control over the services.
- (c) Professional advice to the Head of Administration/Defence Minister is given by the Chiefs of Staff/Commanders-in-Chief of the services and not by any service officer junior to them.
- (d) The war effort of the armed forces is directed and controlled by the Head of Administration through the Defence Minister and Joint Chiefs.
- (e) Joint Chiefs are assisted by Joint Planning Staff in most of the countries.
- (f) Joint Planning Staff contain representatives of all the three Services and also include intelligence and logistics elements.

Proposed Re-organization:

42. In the light of the information and observations contained in the preceding paragraphs, we consider that the following steps need to be taken to re-organize and strengthen the machinery for higher direction of war:-

- (1) The Defence Committee of the Cabinet: DCC should be re-activated, and it should be ensured that its meetings are held regularly. The charter already laid down for this committee appears to us to be adequate, but it is unfortunate that since its last meeting in Nov 1968 it was not allowed to meet during Gen. Yahya Khan's regime, although he had himself re-constituted its membership in 1969 (after his assumption of office), then in Feb 1970 and again in Oct 1971. The officers of the Cabinet Division, which functions as the Secretariat for this committee, were not able to give us any satisfactory explanation for not convening its meetings, except to say that the Ministry of Defence did not submit any items for its consideration, nor did the president express and desire for convening its meetings. We suggest that a positive directive should be given to the Cabinet Division to convene meetings of this committee at least once a quarter on specified dates, and the meetings be held even in the absence of the President (or the Prime Minister) under the chairmanship of the senior most minister. Regular meetings of this committee would be conducive to ensuring full representative political control over defence policies.
- (2) Defence Minister's Committee (DMC): Our Ministry of Defence has been functioning so far primarily as a stamping and approving authority with no active participation in formulating defence plans and setting up force goals. It is not our intention to embark upon an analysis of the reasons which have rendered the ministry to impotent as to reduce it to a mere secretariat for looking after the routine administration of the three services, but we cannot help remarking that one major reason for this state of affairs might have been the fact that the Army Commander-in-Chief had become the head of state and head of government instead of remaining a Service Commander under the control of the civil government. The Ministry of Defence and the permanent secretary presiding over the ministry must have gradually adjusted themselves to a subordinate role. Now that a representative civil government has assumed power, it is time that the Ministry of Defence should assume its rightful position as a policy-making body, receiving directives from the President/Defence Committee of the Cabinet and incorporating them into defence programmes in

permanent consultation with the three services. This would mean not only that the national defence policy would be properly implemented, but that realistic plans would be formulated with the association of the three services, which can then proceed with the preparation of their individual plans within the agreed framework and budget allocations.

In order to re-activate the Ministry of Defence we suggest that a small functional committee should be set up under the chairmanship of the Defence Minister, and comprising the Defence Secretary, the three Services Chiefs, the Financial Adviser for Defence, the Director General of Civil Defence, the Director General Munitions Production, the Director General of Defence Procurement, the Director General of Inter-Services Intelligence Directorate, the Defence Scientific Adviser, and any other central secretaries or service officers who may be required for a particular items on the agenda. If the portfolio of defence is held by the President or the Prime Minister, then its meetings may be presided over by a Deputy Minister for Defence or by the Minister in charge of Defence Production. In case no minister is available, the Defence Secretary, as the representative of the civil government and the senior-most officer of the Ministry of Defence, should preside irrespective of any considerations of protocol or precedence. The secretariat functions would naturally be performed by the Ministry of Defence as the coordinating agency. We believe that such a committee under the guidance and direction of a dynamic leader would be of real value in organizing and strengthening the defence of the country and also in ensuring that the services do not arrogate to themselves powers and functions which appropriately pertain to the Civil government.

- (3) The Secretaries Coordination Committee supported by its Sub-Committees as well as the High-powered Resources Board and the Standing Committee on Defence Strategy presided over by the Secretary General of the Ministry of Foreign Affairs should continue as providing the necessary support to the Defence Committee of the Cabinet and the Defence Minister's Committee.
- (4) Joint Chiefs of Staff: The technological developments which have taken place in recent years have greatly affected the nature of warfare. The major changes relate to the enhanced destructive powers of modern weapons, and the speed with which military power, without any build up time, can be used. The need to maintain costly weapon systems in a high state of readiness demands a far more streamlined decision-making process than ever before. The government will find itself increasingly dependent upon the nations' intellectual, scientific and economic resources which must not only be readily available, but also husbanded and coordinated in a manner best calculated to provide optimum response to the demands of both development as well as security. It should be recognized that the three services share equal and joint responsibility for national defence and that all plans and programmes for the development of the armed forces should be based on joint strategic objectives. The strategy, force development and budget are aspects of the same decision. Defence planning and policy must, therefore, be based on long-term evaluation of threat, and on the availability of national resources. In order to achieve these objectives the three Service Chiefs must function as a collective body to tender professional advice to the government. Unfortunately, this has not been the case so far, and devices like the Commanders-in-Chief Committee or the Joint Chiefs Committee (JCC) have fallen desperately short of achieving the requisite integration and joint planning. It is, therefore, necessary that the three Service Chiefs should function as Joint Chiefs of Staff and not merely as individual heads of their respective services.

Once the principle of the collective responsibility of the three Service Chiefs is accepted, the question arises whether they should function as a Joint Chiefs Committee or as Joint Chiefs of Staff. At the first glance, the two ideas may appear to be indistinguishable, but in fact it is not so, particularly in the context of our own experience with the Joint Chiefs Committee which has been

in existence in Pakistan for quite some time. A Committee, as ordinarily understood, is an organization or agency which meets periodically to discuss and decide issues referred to it, but which does not necessarily undertake a constant and integrated handling of the matters included in its Charter. On the other hand, the Joint Chiefs of Staff would constitute a corporate body with collective responsibility and having their own planning staff for evolving joint plans for national defence. They would be collectively responsible to the civil government for the defence of the country, and for tendering professional advice on all matters connected therewith. For these reasons as well as for the important reason of breaking away from the existing concept of individual service planning we would recommend that the three Service Chiefs should be constituted as "Joint Chiefs of Staff (JCS)", and not merely as Joint Chiefs Committee (JCC).

It is gratifying to note that the Pakistan government has already taken the preliminary step of changing the designation of the three Commander-in-Chief to the Chiefs of Staff of the respective Service. This change in nomenclature is significant as indicating that these commanders are not merely Heads of their Services but are also professional defence advisers to the central government. It is now only the next step to organize the three chiefs into the Joint Chiefs of Staff.

The question of the chairmanship of the Joint Chiefs of Staff needs considerable thought. The first question is whether the Supreme Commander of the Pakistan Armed Forces, namely, the President of Pakistan, should remain the Chairman as has been the practice hitherto with the Joint Chiefs Committee. The Commission feels that in view of the fact that the Joint Chiefs of Staff are intended primarily to be the highest professional body on defence matters it would be inappropriate for the head of the state, in his capacity as the constitutional Supreme Commander, to sit on this body. It is also clear that ordinarily the President of Pakistan would be a civilian, not conversant with professional matters. His proper domain and that of the Prime Minister, if and when appointed, would be the Defence Committee of the Cabinet. The Chairman of the Joint Chiefs of Staff should be a professional soldier.

In countries like USA and UK there is a whole-time chairman, but it is obvious that we do not possess the resources not the quantum of forces to justify such an arrangement. Another factor to be kept in mind in our context is that the presence of a whole-time chairman, with no direct responsibility for any of the three Services, may cause difficulties either by tilting the balance in favour of the Service to which he belongs or by creating friction between him and the Chief of the Service concerned - situations which are to be avoided as far as possible.

If one of the Service Chiefs is to function as Chairman of the Joint Chiefs of Staff, the next question that arises is whether he should be the senior-most in rank, or the senior-most in respect of his tenure of office, and whether he should hold the chair for the entire duration of his tenure as Chief of the Service concerned. After considering these matters at some length the Commission is of the view that there are obvious drawbacks in adopting the principle of seniority in rank, as that would mean the perpetual chairmanship of the Army Chief of Staff, as he holds a four-star rank compared to the three-star rank of the other two Services Chiefs. The permanent predominance of one service may not be conducive to the balanced development of the other two services, a situation which has already been largely brought about to the detriment of the national interest. We would not, therefore, recommend the adoption of the principle of seniority in rank. There must therefore be a system of rotation, irrespective of the personal ranks enjoyed by the three Service Chiefs. In their capacity as heads of their respective services they must be regarded as equal among themselves, and having joint responsibility and powers.

As regards the duration of the tenure we are again of the view that in order to generate a feeling of equal participation among the three services in the task of joint planning for national defence and

in ensuring a balanced development of the two services, tenure of one year at a time would appear to be the best in the circumstances. We suggest, therefore, that the chairmanship of the Joint Chiefs of Staff should be held in rotation by the three service chiefs for a period of one year, commencing with the senior service, namely, the army, followed by the navy and the air force.

A suggested charter of duties for the Joint Chiefs of Staff is added as Annexure 'E'.

- (5) Joint Planning Staff: Once the Joint Chiefs of Staff organization is established as a corporate body it should have not merely a secretariat as is the case at present with the Joint Chiefs Committee, but should also have a joint Planning Staff drawn from all the three services in order to underline the comprehensive responsibility entrusted to the staff. It might be designated as the Joint Secretariat and Planning Staff (JSPS). This Staff will be responsible not only for providing the necessary secretarial assistance to the Joint Chiefs of Staff but also for evolving the Joint Defence Plan, undertaking strategic studies and processing all matters of inter-service concerned. It will only be natural to place all inter-service organizations under the Joint Chiefs of Staff. It will obviously be necessary for the Joint Chiefs of Staff to be assisted and supported by a number of Joint Committees on Intelligence, Training, Logistics, Personal Administration, Accommodation and Cantonments etc, but these are details which the Joint Staff would be able to work out in due course.
- (6) Location of Service Headquarters: It is customary for the three armed service headquarters to be located at the seat of government. When the federal capital was at Karachi, the Naval Headquarters, and the Air Headquarters were appropriately located there and the only question was to move the General Headquarters to Karachi. The Army was reluctant to move in view of the size of administrative problems involved. With the shifting of the federal capital to Islamabad, the Air Headquarters decided to move to Peshawar, with the result that at present the three service headquarters are scattered all over the country, namely Karachi, Rawalpindi and Peshawar. It is obviously desirable, in fact essential, for the effective functioning of the Joint Chiefs of Staff that they should not only be located at one place but in one building along with the Ministry of Defence. We accordingly recommend that immediate measures be taken in hand to shift the Naval and the Air headquarters to Rawalpindi/Islamabad. A beginning can be made with the shifting of the chiefs of the two services to Rawalpindi along with a nucleus staff so that the Joint Chiefs of Staff may start functioning without avoidable delay.
- (7) Organization of Civil Defence: In one of the preceding chapters we have dealt at some length with the organization for civil defence as well as the manner in which the air defence was conducted during the 1971 War. At this stage, we only wish to mention, as part of the higher direction of war, that the subject of civil defence should more appropriately be brought under the Ministry of Defence. The Air Defence Committee functions under the chairmanship of the Chief of the Air Staff, and a considerable measure of other air defence activities involve combat roles by the personnel of the armed services. The Ministry of Defence could perhaps handle these matters more effectively in time of war.
- (8) National Security Council: While describing the existing machinery in Pakistan we have referred to the functions of the National Security Council, from which it would be seen that it was super-imposed on the existing intelligence agencies. In practice, however, as mentioned by us in another part of the report, the National Security Council merely functioned as a political stooge in the hands of the then president, and did not perform any of the tasks assigned to it, except preparing one or two studies regarding threats to Pakistan. We are of the view that, in the first place, there is in fact no need for super- imposing an organization like this over the Directorate of Intelligence Bureau, and the Directorate of Inter-Services Intelligence, both of which are headed by high-powered officers of

the rank of Secretary to the central government and Major General (or equivalent) respectively. The services and the advice of the both these agencies are directly available to the head of the state through the normal channels pertaining to them. It is, therefore, an unnecessary duplication to place another organization on top of these two agencies. Secondly, we feel that in any case the designation "National Security Council" is much too high-sounding for a mere intelligence agency. Such a title would be more appropriate to an organization like the Defence Committee of the Cabinet, and is in fact used in the United States of America for this purpose. We recommend therefore, that the National Security Council, as at present constituted, be abolished.

- (9) Inspectorate-General of Armed Forces: Our enquiry has brought to light so many weaknesses in the preparedness of the armed forces that we feel there is need for an institution like the American Inspectorate-General, which would be charged with the duty of carrying out surprise inspections, and call upon formations and units concerned to demonstrate that they are fit for war. At present, the government has no machinery for ascertaining the state of training, discipline and preparedness of the three services, although a major part of the national budget is allocated for defence. We have already mentioned the ineffectiveness of the Ministry of Defence as functioning at present. Once the Ministry of Defence is re-activated and restored to its proper position, it should have an agency, functioning directly under its control and independently of the three service headquarters, to satisfy itself that the money is being properly spent in furtherance of the national defence policy. A properly selected Inspector-General of the rank of Major-General or equivalent, with a small but highly trained staff, should be able to keep the ministry apprised of the actual state of affairs in this behalf. We feel that there might be some resistance on the part of the Service Headquarters to the introduction of this Inspectorate, but it need not necessarily come into conflict with them; on the other hand, it could provide useful information even to the Service Chiefs themselves which may not otherwise be available to them from their own subordinate commanders. We consider that a joint inspectorate for all the three services would be adequate in the initial phases. If its work expands it may have branches dealing with each service.
- (10) Institute of Strategic Studies: In the opening paragraphs of this chapter we have outlined the need for joint strategic planning by the three services. In most advanced countries of the world strategic studies are undertaken not only by the armed forces but by the universities and other intellectuals interested in problems of defence, foreign affairs and national security. Open public debate and thinking on these problems have been found to be of great value to those in authority and responsible for formulating national policies for defence and foreign affairs. We would accordingly recommend that the government should sponsor and finance the establishment of an Institute of Strategic Studies, preferably as a part of the University of Islamabad. It is not necessary for us to go into the details of studies to be undertaken by this institute, as the very name suggests their scope and content.

43. The Commission is of the view that the adoption of the recommendations mentioned above is likely to go a long way in strengthening and streamlining the defence organization in Pakistan so as to ensure proper institutionalization of higher direction of war. However, it goes without saying that no amount of institutions and committees can serve any useful purpose if they are not employed and used for the tasks assigned to them. It is our hope that the necessary lesson has already been learnt by us and that vital decisions of national importance will henceforth be taken only after their implications have been fully analyzed and appreciated as a result of competent professional advice.

Secret**Composition of the Defence Committee of the Cabinet****1. In 1967, the Defence Committee of the Cabinet comprised of following: -**

- (1) President.
- (2) Minister for Commerce.
- (3) Minister for Industries.
- (4) Minister for Home Affairs.
- (5) Minister for Foreign Affairs.
- (6) Minister for Finance.
- (7) Minister for Defence.
- (8) The three Commander-in-Chief in attendance when required.

2. In 1969, the DCC was reconstituted as follows:-

- (1) President and CMLA.
- (2) Minister for Home Affairs.
- (3) Minister for Industries.
- (4) Minister for Finance.
- (5) Minister for Communications.

3. The DCC was renamed as President's Committee for Defence and reconstituted in February 1970 as follows:-

- (1) President and CMLA.
- (2) Adviser for Finance.
- (3) Secretary of Ministry of Industries.
- (4) Secretary for Communications.
- (5) Secretary of Home Affairs.

4. In Oct 1971, the President's Committee on Defence was expanded and comprised as follows:-

- (1) President and CMLA.
- (2) Principal Staff Officer to the President and CMLA.
- (3) Adviser for Finance.
- (4) Adviser Incharge, Ministry of Defence/Secy. Defence.
- (5) Secretary, Ministry of Industries.
- (6) Secretary, Ministry of Commerce.
- (7) Secretary, Home Affairs Division.
- (8) Secretary, Ministry of Information and National Affairs.
- (9) Secretary, Ministry of Foreign Affairs.

Annexure 'C'

Committees on Defence Planning

Defence Planning in the civil sector is carried out by the following committees which function under the overall direction of the Defence Committee of the Cabinet:-

S. No	Name of Committee/Sub-Committee
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- | | |
|----|--|
| 01 | Secretaries Coordination Committee. |
| 02 | Military Committee:
(1) Army Sub-Committee.
(2) Naval Sub-Committee.
(3) Air Force Sub-Committee. |
| 03 | Censorship Committee:
(1) Postal Censorship Sub-Committee.
(2) Telegraph and Telephone Censorship Sub-committee.
(3) Press, Broadcasting, Film and TV Censorship Sub-committee. |
| 04 | Civil Aviation Committee. |
| 05 | Civil Defence Committee. |
| 06 | Commerce and Trade Committee. |
| 07 | Communications and Transport Committee. |
| 08 | Control of Aliens Committee. |
| 09 | Finance committee. |
| 10 | Committee on Food Supplies. |
| 11 | Foreign Affairs Committee. |
| 12 | Fuel and Power Committee. |
| 13 | Insurance Committee. |
| 14 | Internal Security Committee. |
| 15 | Legal Provisions Committee. |
| 16 | Manpower Committee. |
| 17 | Public Health Committee. |
| 18 | Publicity and propaganda Committee. |
| 19 | Scientific Advisory Committee. |
| 20 | Shipping Committee |
| 21 | Social Welfare Committee. |
| 22 | Supply Committee. |
| 23 | Committee on water supply and sewage disposal. |
| 24 | War Book Committee. |
| 25 | Fortress Defence Committee. |

Annexure 'E'

Secret Charter of duties of the Joint Chiefs of Staff

- (a) The JCSC will be the highest military body for considering all problems affecting national defence and for rendering professional military advice to the government. This will be a collective responsibility and the committee will normally render agreed advice to the government. However, in the event of a difference of opinion, the Chiefs of Staff will have the right of direct access to the head of government on matters affecting their own service or national defence.
- (b) The JCSC will evolve an overall strategic plan for the defence of Pakistan and will direct efforts of the armed forces, and any other forces placed under their command, towards the fulfillment of these plans both in peace and war, under the overall direction of the government.
- (c) Specifically, the JCSC will be responsible for the following:-
 - (1) To determine the role, size and shape of three services and lay down broad policy directions for their development on a long-term basis.
 - (2) To advise the government on budget allocations to the three services and other defence organizations in the light of the role of these services and organisations.
 - (3) To lay down broad policy on all matters affecting research, development indigenous production and procurement of materials for the armed forces.
 - (4) To lay down policy directions on joint logistic planning.
 - (5) To approve for submission to the government, all administrative matters of joint service nature affecting pay, allowances, pensions, conditions of service, accommodation and military lands and cantonment.

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CONCLUSIONS

Our examination of the military aspect of the Indo-Pakistan war of 1971 has driven us irresistibly to the conclusion that the major role in the recent disaster has been that of the ground forces. The strategic concept embodied in war Directive No 4 of 1967 required, in our view, a drastic revision in the light of the political and military situation developing as a result of the military action in East Pakistan in March 1971, but we regret to say that no study in depth was carried out by the Army high command of any of these new factors. Indeed, it appears that the Army high command was under a misconceived optimism regarding the military situation developing in East Pakistan and as to the effect the Indo-Soviet Treaty of August 1971, was likely to have on the growing disparity between the war preparedness and the capability of the armed forces of Pakistan and India.

2. The inadequacy of resources had always been there right from 1947 but this can hardly be used as an argument for not adopting a sound strategic concept. If indeed it was the conviction of Gen Yahya Khan and his senior Army Commanders that it was militarily impossible to hold East Pakistan, then we fail to see why the military regime resorted to army action in East Pakistan and why it repelled all suggestions for a political settlement.

3. We cannot also resist the conclusion that there has been a serious failure on the part of the Army General Headquarters in the matter of guiding, directing and influencing the battles either in East Pakistan or in West Pakistan.

4. One of the main reasons for this failure was the non-utilization of the existing machinery for evolving an integrated and coordinated defence plan. Almost all critical decisions were taken by Gen Yahya Khan or the Army Headquarters in almost practical isolation of the other wings of the defence services. The only exception made was in the case of the Commander-in-Chief of the Air Force who was brought into the picture during the planning of the army offensive and through the temporary Air Operations Centre set up at Rawalpindi. Gen Yahya Khan in his capacity as president and Supreme Commander of the Armed Forces did not consider it necessary to associate any one with his command decisions. As a result of this defect in the planning process for the higher direction of war not only the three services but also the commanders of the various theatres practically fought their own battles in isolation without the Army Headquarters or any other coordinating body being able to influence the conduct of the battles or the execution of the plans in any way. The plans also, in some cases, due to lack of careful examination at the higher planning level, remained inherently defective. Thus the plan of the Eastern Command, though approved by the General Headquarters, suffered from at least three major shortcomings, namely:-

- (1) It did not lay down any guidelines for determining the time at which the army must be withdrawn from the borders to pre-determination lines of defence;

- (2) The adoption of the fortress concept was defective, as it had made no provision for hard-hitting reserve forces behind the fortress to prevent the enemy by-passing them or to relieve pressure upon them; and
- (3) The plan did not cater for the contingency of withdrawal of the armed forces either by land or sea, in case of the territory being over-run by the enemy.

5. It has also been a matter of some surprise to us that, in spite of the vital importance of Dacca from the military and political point of view, the Army General Headquarters had no knowledge as to whether there was any detailed plan for the defence of Dacca itself.

6. The master plan for the Western theatre also suffered from serious weaknesses, inasmuch as:-

- (1) It did spell out a time relationship with the Indian invasion of East Pakistan;
- (2) It did not clearly specify the circumstances and factors which were to be taken into account in launching the army reserves; and
- (3) Ad hoc charges were permitted to be made in the master plan without proper examination by the Army General Headquarters.

7. In consequence of these deficiencies the plan was, in fact, ineffective and was thwarted by the indecision of an individual even after a large portion of territory had been allowed to be lost in West Pakistan.

8. Having regard to our previous knowledge of the capabilities of the enemy, of its troop movements immediately outside our borders and even of local skirmishes with our troops on the borders, it is surprising that the top leadership of our army should still have nursed a delusion that the Indians would not commit the folly of direct intervention in East Pakistan by openly invading not territories there. Indeed, it amazed us to hear from Gen Yahya Khan himself that he "never visualised that India can ever be at war with us on this point so blatantly..... She was supporting Mukti Bahini and arming them and she will do so, why should she fight."

9. We have, therefore, been left in serious doubt as to the wisdom of opening the second front on the 3rd of December, 1971. If a second front had to be opened, it should have been opened immediately the Indian troops openly invaded East Pakistan. On the other hand, if the Army High Command believed that the Indians would only confine themselves to supporting the Mukti Bahini, then by the opening of the second front the fall of East Pakistan was actually accelerated.

10. Gen Yahya Khan in trying to explain this point stated that "the basic thing to remember is that you should cut off further supplies of the enemy either by air or by sea and then the enemy can only fight for a few days. It is a deep science and it cannot be explained here. It is very vast subject." This was followed by the following question:-

"And were we totally cut off from East Pakistan from the 3rd of December?" The General's answer was "yes".

One may then well ask if the opening of the second front was designed to produce this result or was this a fantasy produced in the mind of Gen Yahya Khan who, according to all the evidence before us, was even then callously oblivious of the tragic situation into which he had brought the country? The dream-land in which he lived had utterly divorced his mind from the realities of the situation. His obstinacy is not listening to good advice from almost all independent sources regarding political settlement with the Awami League, cannot be overlooked as mere error of judgement. This coupled with his hesitancy in taking vital decisions, on which the very existence of the country depended, appeared to indicate that the General lived in an ivory castle of his own, where the din and bustle of the war did not reach.

11. The gravity of the situation had to be brought home to him almost by force when he was dragged away from the airport to the Army Headquarters to be briefed on the situation in the afternoon of the 23rd of November, 1971. His Chief of Staff even then did not think the matter to be of such pressing importance that it must be dealt with immediately. He counseled postponement of the visit to the next day. The Chief of General Staff and the Commander-in-Chief, Air Force, however, prevailed over the Chief of Staff and almost dragged the Supreme Commander to the Military Operations Room. Even so, the Supreme Commander still needed time to decide. It took four days to do this. Still the final clearance was given only on the 29th and the D-day was fixed on the 30th. Why this delay? We have not been able to discover. Did the Supreme Commander not appreciate that every moment counted or was he waiting for some revelation from any other quarter?

12. Even after the second front was opened the planned offensive was not launched, although sufficient provocation had been given to the Indians as a result of the pre-emptive strike by our own Air Force just before the last light of the 3rd of December, 1971, and the intrusions into Indian territory of our armed forces in Chamb, Dharam, Lahore sector, Hussainewala and Sulemanki. As a result of this provocation, the Indians reacted, as they were expected to do but even so the offensive did not go in as it was planned. We have lost, almost without any serious battle, the whole of Pukhlian Salient, over 5000 village in the Shakargarh area and over 5,000 square miles of territory in the Sindh area. The enemy has just walked into these areas, which were only lightly held by us. Our troops began retreating almost immediately the enemy contacted these light holding forces. The enemy moved in cautiously through the mine fields and even breached the last layer. The offensive which had been ordered to be launched was frozen by the Chief of Staff. No one demurred and thus ended our grand strategy.

13. In the air also, in spite of the valiant attempts made, we find that our air force was unable to defend our lines of communication extending from Peshawar to Karachi almost all along the border. With each day it was becoming more and more apparent that the enemy was gradually gaining superiority in the air and was making even our military movements difficult, particularly after the fall of Dacca and the transference of at least nine squadrons of her air force from the Eastern theatre by India.

14. The Navy, although its score against the Indian Navy is almost equal to its own losses, found itself unfortunately bottled up inside the harbour from the 8th of December, 1971, due to the very serious missile threat from OSSA class boats for which it was wholly unprepared.

15. The net result, therefore, is that we have not only lost the whole of East Pakistan but also considerable portions of our territory in West Pakistan with almost negligible losses to the Indians.

16. It is a sad commentary on the efficiency of our Army leadership which appears to have landed us into a major war with a powerful neighbour without any psychological preparation or coordinated planning. This was a war in which everything went wrong for the Pakistan Armed Forces. They were not only outnumbered but also out-weaponed and out-Generaled. Our planning was unrealistic, strategy unsuited, decisions untimely and execution faulty. Even our troops were ill-equipped and ill-trained. Nevertheless, the ignominy for the surrender in East Pakistan and the acceptance of the unilateral offer of ceasefire in the West lay not in the lack of courage or moral or loss of the will to fight amongst the jawans and younger officers but rather to the lack of leadership from the higher command.

17. Even with regard to the surrender of Dacca, this much can be said that plans for the defence of Dacca had been prepared and purely from the military point of view Dacca could well have held out for several days more. Things had not yet come to such a pass in East Pakistan as to warrant an immediate surrender. Even though no final verdict can be given against Lt-Gen Niazi, it does seem to us that Gen Yahya not only allowed the country to blunder into a war from which no good result could be expected but he also permitted and even instigated a surrender humiliating to the nation and without parallel in the history of Islam.

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THE MORAL ASPECT

General Considerations

The first and foremost attention to the political, institutional and military aspects of the subject has been the moral aspect. The latter appears to be increasingly important in an era when the people are not only the major cause of our distress but the moral degradation which has set in among our army commanders is a result of their complete abandonment of moral law during the last few years. The moral aspect of the subject is a subject of widely, but unfortunately, misunderstood importance. It is a subject which has to be considered in connection with the political, institutional and military aspects of the subject. The moral aspect of the subject is a subject which has to be considered in connection with the political, institutional and military aspects of the subject. The moral aspect of the subject is a subject which has to be considered in connection with the political, institutional and military aspects of the subject.

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Effect of Moral Law on the

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THE MORAL ASPECT

General Considerations

So far we have devoted our attention to the political, international and military aspects of our defeat, but no less important is the moral aspect. The belief appears to be universally entertained by all sections of our people that one of the major causes of our disgrace was the moral degeneration which had set in among senior army commanders as a result of their continued involvement in Martial Law duties right from 1958 onwards. Several respectable witnesses drawn from various, sections of society, including highly-placed and responsible Service Officers, have asserted before the Commission that due to corruption arising out of the performance of Martial Law duties, lust for wine and women, and greed for lands and houses, a large number of senior army officers, particularly those occupying the highest positions, had not only lost the will to fight but also the professional competence necessary for taking the vital and critical decisions demanded of them for the successful prosecution of war. It is asserted by these witnesses that men given to a scandalous way of life could hardly be expected to lead the Pakistan Army to victory.

2. There can be no doubt that moral integrity and strength of character are essential requirements for leadership in any field of national endeavour. In the military field the need for these qualities is perhaps the greatest, for sacrifices and determination of the highest order are demanded from those who are called upon to lead the armed forces in war. It does not need any elaborate reasoning to see that excessive indulgence in the so-called "good things of life" is bound to lead to a certain softness, loss of determination, impairment of the power of resolute decision, and possibly to lack of courage and conviction - all factors having a direct bearing upon professional competence and ability to lead and inspire. It is also well-known that weaknesses generated by a licentious way of life get magnified in times of crisis, and stand in the way of bold and imaginative decisions. It seems to us that the tragedy that has befallen Pakistan was, in no small measure, due to moral weaknesses in the men who were called upon to lead the nation and its army at this critical juncture of our history.

Effect of Martial Law duties

3. The evidence before the Commission shows that the process of moral degeneration among the senior ranks of the armed forces was set in motion by their involvement in Martial Law duties in 1958. Army officers were for the first time, much more so than in the limited Martial Law of 1953, exposed to the temptations inherent in direct contact with the various sectors of civilian life and administration. They were

called upon to deal with Big Business, influential industrialists, foreign exchange racketeers, pimps and prostitutes, and other criminal elements of society. They came to wield tremendous power over the lives and liberties of the people by presiding over Military Courts, and otherwise regulating the conduct of civilian affairs. Many of them ended up by not only becoming arrogant but also corrupt.

4. These tendencies re-appeared when Martial Law was imposed on the country once again in March 1969 by Gen Yahya Khan. During the seven years that had elapsed since the lifting of the last Martial Law in June 1962, the moral tone of the administration had considerably deteriorated, with the result that although in the beginning Gen Yahya Khan took resolute action in removing 303 top civil servants for corruption and misconduct etc., yet he and his senior Martial Law Administrators soon started behaving in a manner which beat all previous records. The evil did not remain confined to senior ranks alone. There were frequent complaints of officers of the rank of Lt-Col and Major, or even Captain, accepting bribes in the matter of grant of bail to persons coming before the Military Courts. Huge fines and harsh sentences of imprisonment were imposed by these courts which were later altogether remitted or reduced by senior Martial Law Administrators, and it was frequently alleged that these orders were procured by the affected persons for monetary considerations. It is not our intention to record any positive findings in this behalf, as it was outside our domain to investigate individual allegations of this kind. Nevertheless, the fact remains that the allegations are so widespread and persistent that even a judicial body, like the present Commission, cannot afford to ignore them. It would be desirable for the government to order a proper investigation into at least the more glaring of such cases, which must have been reported to the Chief Martial Law Administrator from time to time.

5. The purpose for which we are mentioning these allegations is only to draw attention to the admittedly corrupting influences generated by the involvement of the armed forces in the civil administration of the country as a result of the imposition of Martial Law. That such involvement seriously detracted from the professional duties of the army was conceded before us by almost all the Service Commanders who gave evidence in this behalf. It also affected the quality of training which these officers could impart to their units and formations, for the obvious reason that they did not have enough time available for this purpose, and many of them also lost the inclination to do so.

Inducements offered

6. Allied with the corrupting influence of Martial Law duties is the fact that in order to retain the loyalties and support of the armed forces, the Chief Martial Law Administrator was compelled to offer to serving and retired military officers a large number of jobs ordinarily filled by civilians. The chairmanship of most of the statutory and autonomous corporations was offered to military officers and some of them even became Managing Directors of highly specialised industries like the Karachi Electric Supply Company, Cement Production, Sui Gas etc. Retired Generals even became Advisers to banking institutions. There was thus a constant mingling of serving and retired army officers with financiers of all kinds. This was a situation hardly conducive to maintaining the traditional ruggedness and toughness of the Pakistani officer.

7. It was suggested in some quarters that during the two Martial Law regimes increases were made in the salaries and pensions admissible to members of the armed forces, for the obvious purpose of ensuring their continued support. We have examined the matter and find that it is correct that certain increases were allowed in the salaries admissible to the Defence Forces with effect from the 1st of December, 1962, by orders issued on the 15th of May, 1964, and this did cause some amount of resentment in the other services. However, a comparison of these pay scales with the pre-partition salaries, and also with the corresponding salaries allowed to the members of the Civil Service of Pakistan, shows that perhaps some justification for the sanctioned increases could be made out, particularly in view of the hazards and other disadvantages attached to military service.

8. While the salaries were increased, until 1968 no corresponding increases were made in the pensions admissible to military officers and other ranks on release of retirement. As the rates sanctioned in 1968 continued to cause discontentment among the armed forces, Gen. Yahya Khan directed, on the 30th of January, 1970, that the whole question be examined independently by the Commerce Minister (Mr Ehsanul Haq) who was neither connected with Defence nor with Finance. Mr Ehsanul Haq submitted his report on the 20th of July, 1970, which was accepted by the then president with minor adjustments/modifications and the new Pension Code was promulgated on the 26th of October, 1970. As the salaries and pensions were increased after a thorough examination of the various issues involved, it is not possible to hold that the increases were not justified, or that they were the result of extraneous considerations.

Acquisition of Land

9. Another contributory factor was the mad rush for allotment of agricultural lands all over West Pakistan. Lands were obtained for allotment to military personnel and officers in a large number of schemes, namely, the Thal Development Scheme, the Makhi Dhand Scheme, Ghulam Muhammad Barrage, Nawab Shah Scheme, Guddu Barrage Scheme, and the Border Areas Scheme. According to the figures supplied to us by the Adjutant-General of the Pakistan Army, the number of allottees of these schemes is 58, 191, 200, 73, 145 and 1081, respectively. This makes a total of 1748 officers, including almost all the serving and retired Generals of the Army as well as certain senior officers of the other two services. By itself the number of allottees is not exceptionally large in relation to the total strength of officers in the three services. It is also correct to say that there do exist schemes for the allotment of land to civilian government servants, and accordingly it cannot be said that by itself the allotment of land to military officers was either unusual or objectionable. The criticism, is however, aimed at the act that a considerable amount of effort and money was expended by the Welfare Directorate and the Military Families Rehabilitation Organization (MFRO) of the Adjutant-General's Branch on developing these lands for the benefit of highly placed military officers, and in the process a large number of serving personnel were not only diverted to these extraneous duties, but a spirit of greed was generated even among comparatively junior officers for the acquisition of these lands.

10. Besides these individual allotments, large areas were also taken over by the General Headquarters for the purpose of generating welfare funds. From the relevant statement supplied by the GHQ we find that six such farms situated respectively in the districts of Sahiwal, Mianwali, Lahore, Sukkur, Hyderabad and Sanghar are being managed for this purpose through paid managers, and the lands are supposedly held in the name of either GHQ or the Commander-in-Chief or the Adjutant-General of the Pakistan Army. An allegation was made before the Commission that certain large areas, out of these Welfare Farms, were held in the individual names of certain General Officers of the Army, but the correctness of this allegation was not accepted by the former Adjutant General, Major General Khuda Dad Khan when he was questioned by us on this point. The statement furnished by the GHQ also appears to support the stand taken by Major General Khuda Dad Khan. We do not, therefore, wish to say anything more on this point except to observe that such arrangements are not satisfactory, for, all holdings standing in the names of individuals are not unnaturally presumed to be their personal property. This should in our view be regularised. If the ostensible owners have not already executed deeds of trust, they should do so now.

11. However, we find that apart from the allotments obtained by certain Generals under one or the other of the six schemes mentioned earlier, large areas have also been obtained by them otherwise, which the government may wish to investigate. The information made available to the Commission by an investigating officer deputed for this purpose by the Director, Intelligence Bureau, is to the following effect:-

The investigating officer has further reported that Major-General Khuda Dad Khan is said to own large holdings in Sindh, but he has not given details of these areas.

12. It has also been reported to us that 1630.51 acres of agricultural land, situated in Rakh Baiknuta in the district of Lahore, were acquired on ten years' lease by Gen. Yahya Khan, Gen. Hamid Khan, Maj.-Gen. Khuda Dad Khan and Maj.-Gen. Kiani and Lt.-Col Gulzar from the Military Estates Officer, Lahore Cantonment in 1967, although the lease was registered in the name of Captain F D Khan (retired) who was an employee of these Generals. The area was called Faiz Farm, and was acquired by Gen Khuda Dad Khan when he was posted as GOC, 10 Div., in Lahore. For reasons not disclosed in the report of the investigating officer, the land was resumed by the military authorities on the 6th of October, 1969. The Military Estates Officer, Lahore had recommended payment of Rs433,640.00 as compensation to the lessee for standing crops, tubewell and pump-houses, but the Adjutant-General paid compensation in the amount Rs701,565.00. These facts are confirmed by the Military Estates Officer, Lahore Circle, in his letter No.L-10/12/Gen/III/Civil Suit, dated the 25th of February, 1972, addressed to the investigating officer (Annexure 'A' to this chapter). It is reported that this enhanced compensation was sanctioned by Maj.-Gen. Khuda Dad Khan who had by that time become the Adjutant-General, and the amount of compensation was then shared by the Generals for whom benefit Captain F D Khan had been employed.

13. The facts mentioned above prima facie go to show that senior officers of the Pakistan Army, like the then Commander-in-Chief, the Chief of Staff, the Adjutant-General and the Quarter Master-General etc., had taken advantage of their official position to acquire large areas of agricultural land. It is possible that most of these allotments were obtained from civil officials during the Martial Law period. The trend set by the senior officers was bound to permeate to the lower levels, and it has been suggested before us that a number of officers, including Maj.-Gen. Khuda Dad Khan himself, were devoting considerable time and attention to developing lands thus acquired by these Generals and other senior army commanders. Here again, we would recommend to the government that the matter should be investigated further to fix responsibility for misuse of position and power by the Generals concerned. There must be several other cases besides the few we have mentioned.

House Building Activities:

14. In common with a large number of civilian officials of the central and the provincial governments, the military officers have also been engaged in feverish house building activity, as evidenced by the large number of houses constructed by them in the various cantonments of the country as well as in the Defence Housing Society and the Pakistan Employees Cooperative Housing Society in Karachi. While there is every thing to be said for the provision of facilities to officers on the verge of retirement to build a residential house for their families, large scale building of houses by officers not falling in this category, and the building of more than one house by several senior officers at places like Karachi, Lahore, Rawalpindi and Peshawar cannot be looked upon with approval. It is significant that while Gen Yahya called upon civilian officials of all categories as well as judges of the superior courts to declare their assets in 1969, he did not take any such steps with regard to officers belonging to the Defence Forces. Allegations have been frequently made that many of these multiple projects were financed by certain banking institutions which became the fortunate repository of large amounts of military funds under the directions of General Headquarters. The diversion of funds belonging to the Fauji Foundation also falls in this category. These are again matters which the Commission has not investigated in detail, as we were concerned only with the general effect of these activities upon the professional competence and the state of preparedness of the army. As regards individual misconduct, particularly at the highest levels, the decision must rest with the central government as to whether this matter should be investigated or not and whether declarations of assets should now be obtained from serving military officers in the same manner as was prescribed for the civilian government servants. The Commission can only say that such a step will have a salutary effect.

Personal Allegations:

15. Apart from this business of involvement in Martial Law duties, the acquisition of agricultural lands and the building of houses, serious allegations of a personal nature have been made against Gen Yahya Khan himself and some of his senior army commanders. While we had no desire or intention to embark upon an examination of the personal lives of senior Generals, it became our unpleasant duty to look into certain allegations for the reason that it was strongly suggested that they had a direct bearing on the capacity of these officers to conduct the war.

Gen Yahya Khan

16. The most damaging allegation against the former President and the Commander-in-Chief is that he was leading an extremely licentious life, devoting most of his time to wine and women. We have already mentioned elsewhere that during the fateful days of the war the General stopped attending even his Presidential Office, and did not visit the Operations Room in General Headquarters on more than two or three occasions. Of course, he took up the position that he was kept fully in the picture by daily evening briefings at his resident. That such a method of work was not likely to produce the best results has already been stated.

17. In the present context we wish to refer to the fact that there is evidence to show that the General was addicted to heavy drinking, and was extremely friendly with a number of ladies of indifferent repute who took lot of his time even during the critical days of the war and during the period immediately preceding the war. Some of these ladies were Begum Shameem K N Hussain, wife of an Inspector-General of Police from East Pakistan; the Begum of Junagarh; the famous singer Madam Noor Jehan; Mst Aqleem Akhtar known as "General Rani", wife of petty police official named Raza; Nazli Begum, wife of a businessman of Karachi Mrs Mansoor Hirjee; Mst Zainab, ex-wife of Maj.-Gen. (retd) Latif Khan; another Mst Zainab, ex-wife of Malik Sir Khizar Hayat Khan Tiwana; Mst Anwara Begum, an industrialist of Dacca, Mrs Lily Khan of Dacca; and Mst Laila Muzammil, presumably of Dacca. According to the evidence of Maj.-Gen. Muhammad Ishaq (Witness No.133-ADC to the then President) and Lt-Comdr Khalid Shafi (witness No.136-II ADC to the President), most of these ladies were frequent visitors to the President's House and spent considerable time with him, and often left the President's House in the early hours of the morning. During November 1971, when things were taking a serious turn in East Pakistan, the President spent two or three days at the Governor's House, Lahore, where Madam Noor Jehan used to visit him two or three times daily and would also come to him at about 8.00pm every night. The ADC concerned was not in a position to give the time of her departure as he used to go off duty at about 8.30pm.

18. Begum Shameem K N Hussain seems to have occupied a special place with Gen Yahya Khan. Before moving into the President's Guest House in November 1971, she paid frequent visits to the President's House and, according to entries in the Gate Registers, she would generally come late in the evening and leave during the early morning. There are also entries to the effect that occasionally the President would leave the President's House for dinner with Begum Shameem and return from there fairly late in the night. On the 10th of April, 1971, Gen Yahya Khan left the President's House at 7.00pm for dinner at her residence and did not return until 3.30pm the next afternoon. According to the evidence of his personal staff, this prolonged absence created quite a stir and security problems.

19. The entries in the Gate Register further record occasional visits of "an unknown woman" at night. They also show that quite often Gen Yahya Khan would leave the President's House late in the evening without any programme and return in the early hours of the morning. This pattern of behaviour seems to have continued right until the end. As the repeated visits of some of the ladies are reflected in the entries of the

Gate Registers maintained at the President's House both at Rawalpindi and Karachi, their copies are attached to this chapter as Annexure 'B' and 'C'. It has been stated before-us that there would be several occasions when no entries would be made at the gate for the reason that the person concerned may have been brought in a car belonging to the President's House.

20. It is significant that the kind of life which Gen Yahya Khan was leading as Head of the State invited adverse comments even from his own Military Secretary who has told us that "I used to recite verses from Qur'an to warn him (Gen Yahya Khan) that a person brings about his ruination through his own actions." Maj.-Gen. Muhammad Ishaque has further stated, in answer to a question from us whether in his opinion this kind of behaviour on the part of the ex-President affected his ability to take decisions, that "prohibition by Allah is with a definite purpose and over indulgence in these vices has direct bearing on one's thinking and judgement." When asked whether in fact any of the decisions taken by Gen Yahya Khan were affected by his over indulgence, the Military Secretary stated that Gen Yahya had little time for official routine work, although he then went on, obviously out of loyalty to his former boss, to say that as far as Gen Yahya's decisions on files were concerned he did not notice any deterioration therein.

21. Another significant comment about Gen Yahya Khan's personal conduct has come before us from Mr N A Rizvi (witness No 69), who was at the time serving as Director of Intelligence Bureau. When asked whether in his view the former President Yahya Khan had kept up the dignity of his office in his behaviour both in public and private, Mr Rizvi stated "I am the only man who told the President that you hold a very high post and you have an obligation on you. I even said that I was going to make a request to his Begum Sahiba to go with him to every place where he went." It will be seen, therefore, that even while he was in office, there were protests against his personal conduct and behaviour from officials who would ordinarily not be expected to open their mouth.

22. It is obvious that no person, who has taken upon himself the duties of the Chief Martial Law Administrator, the Head of the State and the Commander-in-Chief of the Pakistan Army, can afford to spend so much time on private pursuits, unless it is at the expense of his public functions. It is also only but natural that women coming in such close contact with him would take undue advantage of their association. This is borne out by the fact, for instance, that Mrs Shameem K N Hussain's husband, Mr K N Hussain, and Shameem herself were both appointed by Gen Yahya Khan as Ambassadors to Switzerland and Austria, respectively. The Foreign Secretary, Mr Sultan Muhammad Khan (witness No 143), admitted before us that it was indeed unusual for both husband and wife, not belonging to the regular Foreign Service, to be appointed to diplomatic assignments in this manner. The matter did not rest there. Shameem's father, Mr Justice Amin Ahmad, a former Chief Justice of East Pakistan High Court, was appointed at Gen Yahya Khan's instance, as Chairman of the National Shipping Corporation, even though he was well over 70 years of age and without any experience of running a commercial organization.

23. Again, there is evidence to show that quite frequently Gen Yahya Khan would call upon Mr Abdul Qayyum, CSP (Witness No 188), working as Secretary in the President's Secretariat (Public), to give directions to various ministries and other officials to grant certain favours to these and other ladies. A glaring example is the grant of extraordinary foreign exchange concessions by the Ministry of Education to Madam Noor Jehan for the purpose of financing her trip to Tokyo to participate in an International Music Festival. Under the directions of Gen Yahya Khan the ministry was instructed by Mr Abdul Qayyum to do as desired by Noor Jehan. Not only exceptionally high rates of daily allowance in foreign exchange were allowed, but several members of Noor Jehan's family were taken to Tokyo at public expense. Other concessions were also allowed. The relevant file makes instructive reading.

24. Then there is the remarkable case of the Managing Director of the Pakistan Industrial Credit and Investment Corporation (Mr Saeed Ahmad witness No 48) being removed from his job under President

Yahya Khan's directions as he refused to oblige Nazli Begum in the matter of the grant of credit facilities for the setting up of a textile mill. The President was so annoyed with this officer that he even barred his employment outside Pakistan. These facts stand established by the evidence of Mr Abdul Qayyum, CSP, as well as of Mr Saeed Ahmad himself.

25. These are only a few instances to show how President Yahya Khan's personal life had started influencing his official decisions. His association with the woman called "General Rani" brought a bad name to him as she had started receiving bribes from different persons for using her good offices with the former President. According to Gen Yahya Khan's personal staff, a time came when action had to be taken to prevent Mst Rani's entry to the President's House, but she still continued exploiting his name.

26. This then was the atmosphere prevailing in the President's House, saturated with wine and women, when the war came. The clear impression gained by the Commission from the evidence led before it is that this scandalous way of life had a direct impact on Gen Yahya Khan's ability and determination to lead the nation in war. He could not devote himself whole-heartedly to his public duties. He suffered from vacillation and indecision and flinched from taking firm decisions in the matter of holding out in East Pakistan to the last man and the last round, and the launching of the army offensive from West Pakistan.

27. Needless to add that, when confronted with these facts and allegations, Gen Yahya Khan vehemently denied them, except admitting that Mrs Shameem K N Hussain was a family friend and that he had appointed her as well as her husband as ambassador as they fully deserved these appointments. He was, however, not in a position to rebut the entries appearing in the Gate Register regarding his having spent the night at her house on the 10th/11th of April, 1971.

Gen Abdul Hamid Khan

28. It is indeed a national tragedy that it was not Gen Yahya Khan alone who was afflicted with these maladies. The evidence shows that his Chief of Staff, Gen Abdul Hamid Khan, was a frequent partner with him in many of these adventures. Even the entries in the Gate Register are enough to show their constant association, but the matter is placed beyond doubt by the testimony of the personal staff of the President's House. It transpires that frequently Gen Yahya Khan and Gen Abdul Hamid Khan would slip out to Gen Yahya's house in Harley Street, Rawalpindi, for the purpose of meeting some of their female friends. This house is reported to have been constructed out of funds provided by the Standard Bank, and had been taken on rent by the same bank and furnished as a Guest House. The remarks made by us in the preceding paragraph regarding the capacity of Gen Yahya Khan apply equally to Gen Abdul Hamid Khan, although he did not have the same position and opportunities, nor the same responsibility, as his friend and superior Gen Yahya Khan.

Maj.-Gen. (retd) Khuda Dad Khan

29. After the downfall of Gen Yahya Khan, Mst Rani was placed under detention by the government and interrogated at length. She has made several statements incriminating Maj.-Gen. (retd) Khuda Dad Khan who was last serving as Adjutant-General of the Pakistan Army. Apart from narrating the various benefits she had obtained from Gen Yahya Khan, or on account of her association with him, she had stated that on several occasions she took advantage of her friendship with Maj.-Gen. Khuda Dad Khan. She has mentioned some Martial Law cases which were hushed up due to the intervention of Maj.-Gen. Khuda Dad Khan and she has also referred to certain business deals in which financial benefits were reaped by this General. She also persuaded General Khuda Dad to recommend her husband Raza for promotion to the then Additional Inspector General of Police Mr Saeed Ahmad Khan. It is not necessary for us to reproduce the details of these allegations at this stage, but suffice it to say that, coupled with the land transactions already mentioned by us earlier, the case of Maj.-Gen. Khuda Dad Khan also needs further investigation.

Lt-Gen A A K Niazi

30. The personal conduct of Lt-Gen A A K Niazi, Commander, Eastern Command, has also come in for adverse criticism before the Commission, both in his capacity as Martial Law Administrator in West Pakistan and East Pakistan. Serious allegations were made against him by two civilian witnesses, namely, Abdul Qayyum Arif (Witness No 6) and Mr Munawwar Hussain Advocate of Sialkot District (witness No 13). They alleged that while posted as GOC Sialkot, and later as GOC and Corps Commander at Lahore, Gen. Niazi made millions of rupees in various transactions affecting the disposal of criminal cases brought under the Martial Law against smugglers and other criminals. They also contended that he was on intimate terms with one Mrs Saeeda Bukhari of Gulberg, Lahore, who was running a brothel under the name of "Senortia Home", where young women were residing in independent rooms. They stated that Mrs Saeeda Bukhari openly acted as the General's tout for receiving bribes and getting things done.

31. These two witnesses also named another woman, called Shameem Firdaus of Sialkot, who was said to be playing the same role as Saeeda Bukhari of Lahore. These witnesses have gone to the extent of alleging that even when Gen Niazi was posted to East Pakistan Saeeda Bukhari used to visit him there and make money on the illicit import of pans etc., from that province. Details of certain Martial Law cases in which money is said to have been passed to Gen Niazi are also given by these witnesses. A preliminary investigation conducted under the supervision of the Director, Intelligence Bureau, suggests that these allegations are not altogether baseless.

32. As regards Gen Niazi's conduct in East Pakistan, we may first refer to a part of the statement made before us by Mr Abdul Hafeez Kardar (witness No 25), a prominent leader of the Pakistan Peoples Party and an elected Member of the Provincial Assembly of the Punjab. Before joining politics Mr Kardar was Education Adviser to the Government of Pakistan, and is at present Food Minister in the provincial government. While describing conditions in East Pakistan, which he visited in April-May 1971, he has stated that:-

"The next thing I wish to point out is the reputation of the officers and that of Gen Niazi. It was known all over the town that he was having a jolly good time late in the night. He was visiting the same places as the junior officers would visit, and the impression created was that there was a Pakistan force representing a Muslim country indulging in these things. It was an aid to the propaganda being propagated by our hostile neighbour that overall religion is not a thing to be particularly worried about. It added to the debacle because we lost the psychological warfare by our own misdeeds."

Elaborating the point further, Mr Kardar told us that Gen Niazi used to visit some bungalows in Dhan Mandi locality of Dacca, and that these reports were given to him by the junior officers of the army serving in East Pakistan.

33. An Army officer by the name of Major Sajjadul Haq (Witness No 164), who served in Dacca until the day of surrender as Second-in-Command of 604 Field Intelligence Unit, has told us that even during the month of Ramazan dancing girls were brought to a house for the pleasure of the Generals and Corps Commander. He added that Gen Niazi used to go to the houses of the dancing girls in his car bearing three stars and the officials flag and "with all his paraphernalia." This officer has painted a dismal picture of the conduct of our men and officers employed on Martial Law duties in East Pakistan.

34. Another witness belonging to the Air Force, Squadron Leader C A Wahid (witness No 57), who also served in East Pakistan from the 1st April to the 16th December, 1971, has given a similar picture. According to him, the social life of Gen Niazi was "known to all troops, the officers and other ranks. It was commonly talked about everywhere." He has gone to the extent that even on his nocturnal visits Gen Niazi used to be

fully escorted, an MP jeep leading with a commandos' jeep following him. The same impression is conveyed by Lt-Col Hafeez Ahmed (witness No 147), who was serving as, GSO-I in the Eastern Command until the last day. He has added that the intelligence people also used to say that Gen Niazi was carrying on the business of exporting pans to West Pakistan.

35. As we have not had the opportunity of putting these allegations to Lt-Gen A A K Niazi, any finding in this behalf must await his return from India where he is at present held as a prisoner of war. But it is relevant to mention these matters here to show that the personal life of Gen Niazi has been subjected to criticism before the Commission, and it is possible that the conduct attributed to him had a direct effect on his capacity and determination to fight to the last.

Maj.-Gen. Jahanzeb and Brigadier Hayat Ullah

36. Before we conclude this Chapter, we would like to refer to the cases of at least two other officers which have been mentioned before us, namely Maj.-Gen. Jahanzeb and Brigadier Hayat Ullah. Regarding the first mentioned officer it has been alleged that when he was serving in the Martial Law Administration at Multan (presumably as a Brigadier), he demanded a bribe of one lakh rupees from a PCS officer then posted as Chairman of the Municipal Committee of Multan, on pain of proceeding against him under Martial Law for corruption. It is said that this PCS officer committed suicide and left a letter saying that although he had made only Rs15,000, he was being required to pay rupees one lakh to the Martial Law officer. This allegation is made by Brigadier Muhammad Abbas Beg (witness No 9). The Commission is not aware whether this allegation was ever investigated by the previous regime. The present government may like to look into this matter even though Brigadier (later Maj.-Gen. Jahanzeb) has since been retired from the army.

37. As regards Brigadier Hayat Ullah, the allegation made against him in an anonymous letter addressed to the Commission, and supported in evidence before us by his own Brigade Major, Major Munawwar Khan (Witness No 42), was that when the war in West Pakistan was at its height this officer entertained some women in his bunker in the Maqbulpur sector on the night of the 11th and 12 December, 1971. The Brigade Major has told us that this was resented by the troops and they openly said that Indian shells were falling on them because of these women. We understood that an enquiry was being conducted into this allegation by the General Headquarters. We are not aware of the result of this enquiry, but we feel that this is a matter which should not be allowed to go unnoticed. We are certain that it is perhaps a solitary case of this kind, but even the single exception appears to us to be unfortunate.

38. We have devoted so much time and space to the moral aspect as, in agreement with the general public conviction, we hold the view that a morally corrupt military leadership could never be expected to lead the nation's armed forces to victory. It is accordingly of the utmost importance that urgent steps be taken to purify the armed forces of all corrupt elements and also of all corrupting influences. The following minimum action seems to be called for:-

- (i) It is necessary for the government to bring to book those senior army commanders who have grossly abused their official position, and have betrayed their profession and the country by their moral derelictions resulting in indecision, cowardice and professional incompetence. The allegations listed in this chapter, and others within the notice of Government and the GHQ, should be thoroughly investigated and those responsible tried and punished, preferably under the Service Acts applicable to them. In the alternative, action under the ordinary law be initiated;
- (ii) It is also necessary for the armed forces themselves to devise ways and means of ensuring that moral values are not allowed to be compromised by infamous behaviour, particularly at the

- higher levels. We would suggest, as a basic requirement, that active consideration should be given to making army messes "dry", and taking serious notice of notorious sexual behaviour and of other corrupt practices;
- (iii) Moral rectitude must be given due weight, along with professional qualities, in the matter of promotion to higher ranks and appointment to responsible positions of command and staff duties. Too much permissiveness has already brought us ruination and disaster. Some of the Generals could never have earned promotions if due notice had been taken at the proper time of their known moral weaknesses.
 - (iv) The syllabus of academic studies at the Pakistan Military Academy and other Service Academies should include reading courses designed to inculcate in the impressionable young minds of cadet officers respect for democratic political institutions and the Constitution of the country to which all armed forces personnel must owe allegiance;
 - (v) Finally, of course, there is the overriding necessity of ensuring that the armed forces of the country are kept out of politics and civil administration so that they are not exposed to the dangers and temptations inherent therein, and are free to devote themselves whole-heartedly to their primary task of defending the country from external aggression. The only sure way of achieving this ideal is by political maturity and development of democratic institutions in the country. Responsibility for this must rest on political leadership.

Annexure 'A'

Phone :71221
 No.I-10/12/Gen/III/Civil Suit/
 Military Estate Office,
 Lahore Circle, Lahore Cantonment,
 Dated the 25 Feb, 1972.

To
 Mr Baqar Ali,
 DSP (on special duties)
 Enquiry Commission,
 Rawalpindi.

Subject: Lease of land: Rakh Baiknuth Distt: Lahore for Agricultural purpose to Capt F D Khan (ret'd)

Reference your letter dated 24-2-1972.

2. The requisite information required under your letter referred above is furnished as under:-

1. Plot No. 2, 2A, 4 and 6 comprising land Rakh Baiknuth. Total Areas 1,630.51 acres.
2. Name of Lessee Capt F D Khan (ret'd)
3. Period of lease 6-2-1967 to 30-4-1977
4. Annual rent Rs. 147,900
5. Resumed on 6th October, 1969 and
handed over to Army
Stud Farm Welfare
6. Payment of compensation Recommended by the
Military Estates Officer,
Lahore Circle, Lahore is
Rs. 433,640 for crops,
tubewell and pump houses.
7. Compensation paid by AG's Branch, GHQ; Rawalpindi direct to Captain F D Khan (ret'd) to
proprietor Faiz Farm Rs701,565,00.

Sd/- Naseem Akhtar Naik.
 Military Estates Officer
 Lahore Circle.

Annexure 'B'

President's House Rawalpindi

S No. 1	Name 2	Date 3	Time 4	Remarks 5
1.	Begum Brig Sharif	2.5.69	6.40pm	Information ADC,
2.	Begum Brig Sharif with one woman	4.5.69	8.55pm	-do-
3.	Begum Kamal	7.5.69	6.10pm	Inform:Nek Muhammad Havaladar
4.	Begum Kamal	8.5.69	8.05pm	-do-
5.	Begum Gen Naseem; Begum Commissioner; Begum Pirzada, Begum Moinuddin, Begum Col Raza and Begum Daar.	9.5.69	10.30am	-do-
6.	Begum Kamal	9.5.69	6.20pm	Inform: ADC.
7.	Begum Kamal	9.5.69	7.15pm	-do-
8.	Begum Kamal	9.5.69	7.45pm	-do-
9.	Gen Hamid with one woman	10.5.69	7.30pm	-do-
10.	Begum Hamid	11.5.69	7.45pm/in	
10.	President of Pak left (without programme)		1.15am/out	
11.	Begum Gen Shahid Ahmad	12.5.69	7.55pm/in	Inform: ADC
11.	Begum Gen Shahid Ahmad		11.10/out	Inform: Naik Mohammad Hussain
12.	Begum Gen Hamid	17.5.69	6.00pm	Mohd. Aziz Peon
13.	Begum Kamal	21.5.69	10.15am(in)	
13.	Begum Kamal	22.5.69	1.30pm(out)	
14.	Begum Ikramullah Khan	24.5.69	1.00pm	Inform: Majid Ahmed
15.	Begum Admiral Hassan, Begum Yousuf	3.6.69	7.00pm	ADC
16.	Begum Admiral Hassan, Begum Yousuf	4.6.69	9.45am	-do-
17.	Mst Qutub	6.6.69	11.00am	Col Rashid
18.	Mr Inamul Haq with Begum, Gen Hamid with Begum	9.6.69	8.15pm	Inform: ADC
19.	President of Pak left with Gen Hamid (without programme)	10.6.69	1.30pm(out)	
19.	President of Pak left with Gen Hamid (without programme)		8.30am(in)	
20.	Begum Gen Riaz, Begum Gen Pirzada, Begum Gen Mian, Begum Dr Imtiaz, Begum Inamur Rehman	12.6.69	10.30am	Inform: Asstt. Secretary Ghafur
21.	Begum Inamur Rahman	12.6.69	7.50pm	Inform: ADC
22.	Begum Inamur Rahman	13.6.69	8.25 am (in)	-do-
23.	Govt Vehicle with some ladies guest	14.6.69	10.00pm	Inform: Nek Muhammad Havaladar
24.	Maj-Gen Rafi with his Begum	14.6.69	10.00pm	Inform: ADC
25.	Begum Noon	15.6.69	12.30pm(in)	Inform: PA.

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S No. 1	Name 2	Date 3	Time 4	Remarks 5
26.	Begum Inamur Rahman	15.6.69	1.30pm(out) 7.30pm	Inform: ADC
27.	Begum Inamur Rahman	16.6.69	3.10pm	Inform: Muhammad Azam Havaladar
28.	Vehicle from C-in-C House with women guests	21.6.69	8.30pm	Inform: Nek Muhammad Havaladar
29.	Nisar Begum (for visit with MS)	24.6.69	12.30pm	
30.	President left (without Programme)	30.6.69	8.52pm (out) 1.00pm (in)	
31.	Begum Gen Abdul Hamid	30.6.69	7.00pm	Inform: ADC
32.	Begum Dacca Shamim	1.7.69	6.30pm (in)	Inform: Azam Havaladar
33.	Begum Shamim	2.7.69	9.35pm (out) 8.30pm	Inform: ADC
34.	Begum Kamal	3.7.69	9.20am	-do-
35.	Begum Kamal remained continuously in the main house and another Begum Shameem came to see her	12.7.69		
36.	Begum Kamal (2nd time)	17.7.69	5.55pm (in)	Muhammad Hussain Havaladar
37.	Begum Gen Shahid Ahmad	24.7.69	8.45pm	
38.	President left (without programme)	12.8.69	8.20pm(out) 1.15am (in)	
39.	Dr Jr Iqbal with 3 girls	18.8.69	7.15pm	Inform: ADC
40.	Begum Gen Yaqub, Begum Gen Pirzada, Begum Gen Mian; Begum Sher Ali & Begum DIG Arif	20.8.69	10.30am	Inform: ADC
42.	Begum Wasiuddin	21.8.69	8.10pm	Inform: ADC
42.	Begum Col Anisur Rahman	22.8.69	8.15pm	-do-
43.	President left (without programme)	23.8.69	8.20pm (out) 2.20am (in)	
44.	President left (without programme)	26.8.69	8.25pm (out) 1.55am (in)	
45.	Begum Gen Hamid	5.9.69	10.00pm	Inform: ADC
46.	President left (without programme)	6.9.69	9.16pm (out) 3.20am (in)	
47.	President (without programme)	7.9.69	8.40pm (out) 2.50am (in)	
48.	President left (without programme)	10.9.69	8.20pm (out) 3.00am (in)	
49.	President left (without programme)	16.9.69	8.30pm (out)	

Hamoodur Rehman Commission Report				
S No. 1	Name 2	Date 3	Time 4	Remarks 5
50.	President left (without programme)	5.10.69	2.20am (in) 8.32pm (out)	
51.	Begum Akhtar Suleman, Begum Abida	5.10.69	3.20am (in) 4.00pm	Inform: Ahmad Ali
52.	Miss Rashida with Munawar Sultana, Atafa, Naseem, Naghma, Kausar, Waheeda, Andaleeb, Shahnaz, Azeema, Najma Malik, Shabnam, Shagufta	6.10.69	11.00am	Inform: ADC
53.	President left (without programme)	11.10.69	7.40pm (out) 2.15am (in)	
54.	Lt-Col Arshad with Begum	16.10.69	7.35pm (in) 11.15pm (out)	Inform: ADC
55.	Mr Bilgrami with family Begum etc.	20.10.69	7.35pm (in) 12.15am (out)	-do-
56.	Bilgrami with Begum and Gen Hameed	23.10.69	10.45pm (in) 1.25am (out)	-do-
57.	One Begum with one girl	24.10.69	-	Inform: Lal
58.	5 Women with children	24.10.69	-	(Bera)
59.	President left (without programme)	24.10.69	7.55pm (out) 12.50am (in)	ADC
60.	Begum Shamim	14.2.70	7.30pm	-do-
61.	Begum Hussain with children	16.2.70	6.25pm	-do-
62.	Begum Shahid Ahmed with sister, Mrs Shamim, Begum Haroon, Mureed Hasan	17.2.70	11.30pm (in)	-do-
63.	Begum Gen Latif	19.2.70	1.25am (out) 11.00pm (in)	-do-
64.	President left (without programme)	28.2.70	7.55pm (out) 12.00am (in)	-do-
65.	Begum Shamim	1.3.70	7.25pm (in)	-do-
66.	Begum Shamim	2.3.70	10.05pm (in) 1.20am (out)	-do-
67.	Begum Shamim	5.3.70	10.40pm (in) 10.52pm (out)	-do-
68.	President left (without programme)	5.3.70	8.15pm (out) 10.15am (in)	
69.	Begum Shahid Ahmed	11.3.70	4.30pm (in) 6.15pm (out)	-do-
70.	Begum Shamim with children	23.3.70	2.30pm	-do-
71.	Begum Shamim	24.3.70	6.10pm (in) 11.15pm (out)	-do-
72.	Gen Zahid with Begum	24.3.70	8.25pm (in)	-do-

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S No. 1	Name 2	Date 3	Time 4	Remarks 5
			11.15pm (out)	
73.	Begum Col Rashid (late)	27.3.70	6.50pm	-do-
74.	Begum Shamim	28.3.70	6.55pm	-do-
75.	Gen Shahid Ahmed with Begum	28.3.70	6.58pm (in)	-do-
		29.3.70	7.00pm (out)	
76.	President left (without programme)	11.4.70	8.05pm (out)	
			3.05am (in)	
77.	Brig Khurshid Rabbani with Begum	13.4.70	12.15am	-do-
78.	Begum K N Hassan	14.4.70	7.20pm	-do-
79.	Begum G A Khan, Begum Kulsoom Saifullah	16.4.70	10.30am (in)	-do-
			11.15am (out)	
80.	Begum Gul Nawaz	18.4.70	10.30am (in)	Maj. M.Khan
			12.10pm (out)	
81.	Begum Ahmad Masud	25.4.70	11.50am	Ali Yahya
82.	Begum Inamur Rahman	21.5.70	7.05pm	Inform: ADC.
83.	Begum Yusuf with Hamid	22.5.70	5.30pm	Inform: Ali.
84.	Parveen Aslam, Farhat Sadiq,	22.5.70	7.46pm (in)	Inform: ADC
			9.40pm (out)	
85.	Begum Mustafa	23.5.70	5.00pm	-do-
86.	Some Begums by car of C-in-C House	23.5.70	10.00pm	Nek Mohd
				Havaladar
87.	Begum Lailan Khan	24.5.70	7.00pm	Inform:ADC
88.	Begum Hussain with Gen Hamid	26.5.70	8.50pm	Nek Mohammad
				Havaladar
89.	Begum Col Saeed	29.5.70	2.10pm	Lal Khan
90.	Begum Kamal	29.5.70	8.30pm	Fazal Karim
				Peon.
91.	Begum K N Hussain	1.6.70	7.46pm	Inform: ADC
92.	Begum Gen Shahid Ahmad with another Begum	5.6.70	7.40pm (in)	-do-
			12.00 (out)	
93.	Begum K N Hussain	3.8.70	6.10pm	Subedar Nek
				Muhammad.
94.	Begum Gul Nawaz with daughter, Begum Gen Hamid, Begum Gen Latif & her sister Begum Anwar, Begum Mirza Abbas (DIG) with daughter, Begum Gen Dr Ayub, Begum Brig Shaukat, Begum Nawabzada Sher Ali, Begum Gen Abid and sister, Begum Gen Pirzada, Begum Gen Mian, Begum Col Lodhi, Begum Gen Khuda Dad Khan, Begum Subedar Major Muhammad Khan	10.8.70	9.00pm	Inform:ADC (FOR FILM SHOW)
95.	Major Murad with Begum Bokhari	23.8.70	8.50pm	Inform: ADC (staying in Gues House)
96.	Anwara Begum	26.8.70	8.30pm	-do-

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Hamoodur Rehman Commission Report

S No. 1	Name 2	Date 3	Time 4	Remarks 5
		27.8.70	8.40pm	
		28.8.70	12.05 (night)	
97.	Anwara Begum	29.8.70	8.45pm (in)	
			12.05 (out)	
98.	Begum Inamur Rahman	3.9.70	9.50am	Nek Muhammad N/Subedar.
99.	Begum Brig.Sharif	4.9.70	8.30am (in)	Inform:ADC
			11.27am (out)	
100.	Begum Brig.Sharif with Gen.Hamid with Begum and Mr.Inamur Rehman and his Begum	5.9.70	10.35am (in)	-do-
			2.40pm (out)	
101.	Gen Raza & Begum	6.9.70	11.30am	-do-
102.	Begum Gen Latif	7.9.70	7.30am (in)	-do-
			9.20am (out)	
103.	Begum Gen Latif	7.9.70	8.45pm	Mohammad Azam
104.	Begum Gen Shahid Ahmed Mrs Dr Naseem with two ladies	14.9.70	8.00pm	Inform: ADC Co. Ishaque
		8.10.70	10.15am (in)	
			1.35pm (out)	
106.	Begum Shamim K N Hussain	9.10.70	9.10pm	Inform: ADC
107.	Begum Shamim K N Hussain	15.10.70	8.10pm	-do-
108.	Begum Anwara	29.10.70	12.15pm	Nek Mohammad N/Subedar.
109.	Mr Inamur Rahman with Begum	5.11.70	6.50pm (in)	-do-
			10.30pm (out)	
110.	Begum Shamim K N Hussain	23.11.70	8.30pm (in)	Inform:ADC
			11.00pm (out)	
111.	Col Arshad with Begum	7.12.70	7.15pm	-do-
112.	Mr Shirazi with Begum	11.12.70	11.5am	-do-
113.	Mr Isa with Begum	13.12.70	7.35pm (in)	
			10.20pm (out)	
114.	Begum Shahid Ahmad with Gen Shahid	13.12.70	6.30pm (in)	
			10.25pm (out)	
115.	Begum Shamim K N Hussain	13.12.70	7.46pm	
116.	Begum Shamim K N Hussain	17.12.70	5.00pm	Inform:ADC
117.	Sqn-Ldr Mujtaba with Begum	18.12.70	7.00pm	-do-
118.	Begum Shamim K N Hussain	18.12.70	7.50pm	-do-
119.	Begum Ghiasuddin Defence Secretary	20.12.70	12.30pm	
120.	Begum Shamim K N Hussain, Farida Khanum, Begum Gen Hamid, Begum Shahid Ahmad, Begum Ghiasuddin, CSP with Begum, Mr Gul Nawaz with family, Anwar Issa with Begum	31.12.70	8.00pm (in)	-do-

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S No. 1	Name 2	Date 3	Time 4	Remarks 5
	Gen Gul Hasan (For party)			
121.	Begum Mohammad Daud with husband Col. Shaheen with Begum	22.1.71	2.00am (out) 5.25pm (in)	-do-
122.	Begum Junagarh	22.1.71	6.05pm (out) 7.32pm	-do-
123.	Begum Shamim K N Hussain, Begum Lodhi Begum K N Hussain with Gen Hamid	4.2.71	1.55pm	-do-
125.	Nawab & Begum Junagarh	6.2.71	8.35pm	-do-
126.	Begum with Gen Hamid, Begum Shahjehan, Nawab with Begum Junagarh, Gen Habib Ullah with Begum, Begum Shamim K N Hussain, Mr Ghiasuddin CSP with Begum.	7.2.71 7.2.71	12.15pm 3.40pm	Havaladar Azim Infm: ADC
127.	Nawab Junagarh with Begum	8.2.71	12.10pm	-do-
128.	President at the Bungalow of K N Husain	8.2.71	1.00pm	-do-
129.	Nawab with Begum Junagarh, Gen Hamid with Begum	9.2.71	8.00pm (in) 1.30am (out)	-do-
130.	Begum Junagarh	12.2.71	8.00pm	-do-
131.	Begum Shamim K N Hussain with husband, Nawab Junagarh with Begum, Admiral A R Khan with Begum, Gen Hamid with Begum	13.2.71	6.40pm	-do-
132.	Mr A R Khan with Begum, Nawab Junagarh with Begum	15.2.71	8.00pm (in) 11.00pm (out)	-do-
133.	Begum Junagarh	16.2.71	8.20pm	-do-
134.	Begum Shamim K N Hussain	19.2.71	7.00pm (in) 2.55am (out)	-do-
135.	Begum Junagarh	20.2.71	11.00am	-do-
136.	Begum Shamim K N Hussain with K N Hussain Nawab and Begum Junagarh	21.2.71	4.50pm	-do-
		21.2.71	11.30am (in) 11.30am (in)	-do-
137.	Mr K N Hussain with Begum	21.2.71	8.30pm	-do-
138.	Anwara Begum with Mansoor Begum	24.2.71	8.30pm	Nek Muhammad N/Subedar
139.	Begum K N Hussain	7.3.71	7.50pm (in) 11.35pm (out)	Inf: ADC
140.	President left for dinner with Begum Shamim K N Hussain	11.3.71	9.00pm (out) 1.00am (in)	-do-
141.	Begum Junagarh	30.3.71	7.15pm	Inform: ADC.
142.	Begum Shamim K N Hussain	31.3.71	8.15pm	-do-
143.	Begum Junagarh	1.4.71	8.45pm	-do-
144.	Begum Junagarh	2.4.71	7.10pm	-do-